
STATUTORY INSTRUMENTS

2019 No. 146

EXITING THE EUROPEAN UNION INSOLVENCY

The Insolvency (Amendment) (EU Exit) Regulations 2019

*Made - - - - 30th January 2019
Coming into force in accordance with regulation 1(2)
and (3)*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 ^{M1} and section 2(2) of the European Communities Act 1972 ^{M2}.

The Secretary of State is designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to insolvency ^{M3} and the protection of employees in the event of the insolvency of their employers ^{M4}.

In accordance with paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018 and paragraph 2(2) of Schedule 2 to the European Communities Act 1972 a draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament.

Marginal Citations

M1 2018 c. 16.

M2 1978 c. 68. Section 2(2) was amended by section 27 of the [Legislative and Regulatory Reform Act 2006](#) (c. 51) and by section 3 and the Schedule to the [European Union \(Amendment\) Act 2008](#) (c. 7).

M3 The Secretary of State is designated by the European Communities (Designation) (No. 3) Order 2001 [S.I. 2001/3495](#).

M4 The Secretary of State is designated by the European Communities (Designation) (No. 2) Order 2005 [S.I. 2005/1971](#).

Citation and commencement

1.—(1) These Regulations may be cited as the Insolvency (Amendment) (EU Exit) Regulations 2019.

(2) The following provisions of these Regulations come into force on the day after these Regulations are made—

(a) regulation 2 as it relates—

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

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- (i) to paragraph 177 of the Schedule, and
- (ii) Part 12 of the Schedule,
- (b) paragraph 177 of the Schedule, and
- (c) Part 12 of the Schedule.
- (3) The remainder of these Regulations come into force on exit day.

Commencement Information

I1 Reg. 1 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

Amendments

- 2. The Schedule has effect.

Commencement Information

I2 Reg. 2 in force at 31.1.2019 for specified purposes, see reg. 1(2)(a)

I3 Reg. 2 in force, in so far as not already in force, on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

Extent and application

3. Any provision of these Regulations amending or applying an enactment has the same extent as the enactment amended or applied, except that—

- ^{F1}(a)
- (b) the amendments made to [^{F2}the Insolvency Act 1986] by Part 7 of the Schedule apply to Scotland only.

F1 Reg. 3(a) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1459\)](#), reg. 1(2), **Sch. para. 2(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F2 Words in reg. 3(b) substituted (31.12.2020) by [The Insolvency \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1459\)](#), reg. 1(2), **Sch. para. 2(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I4 Reg. 3 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

Temporal application and savings

- 4.—(1) ^{F3}... Nothing in these Regulations affects—
- ^{F4}(a)
- (b) the saving for the existing law in article 3 of the Insolvency Amendment (EU 2015/848) Regulations 2017 ^{M5}.
- ^{F5}(2) The amendments made by these Regulations do not apply in respect of any insolvency proceedings and actions falling within Article 67(3)(c) of the withdrawal agreement.]
- ^{F6}(3)
- ^{F7}(4)

^{F8}(5)

- F3** Words in reg. 4(1) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/647\)](#), regs. 1(2), **2(a)(i)**
- F4** Reg. 4(1)(a) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/647\)](#), regs. 1(2), **2(a)(i)**
- F5** Reg. 4(2) substituted (31.12.2020 immediately before IP completion day) by [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/647\)](#), regs. 1(2), **2(a)(ii)**
- F6** Reg. 4(3) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/647\)](#), regs. 1(2), **2(a)(iii)**
- F7** Reg. 4(4) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/647\)](#), regs. 1(2), **2(a)(iii)**
- F8** Reg. 4(5) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/647\)](#), regs. 1(2), **2(a)(iii)**

Commencement Information

- I5** Reg. 4 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(3)

Marginal Citations

- M5** [S.I. 2017/702](#).

PROSPECTIVE

^{F9}5.

- F9** Reg. 5 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/647\)](#), regs. 1(2), **2(b)**

Department for Business, Energy & Industrial
Strategy

Kelly Tolhurst
Minister for Small Business, Consumer and
Corporate Responsibility

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SCHEDULE

Regulation 2

PART 1

Amendment of retained direct EU legislation

Amendments to the EU Insolvency Regulation

1. Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings is amended as follows.

Commencement Information

I6 Sch. para. 1 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

2.—(1) Article 1 is amended as follows.

(2) For the heading substitute “ Application and jurisdiction ”.

(3) For paragraph 1 substitute—

“**1.** The grounds for jurisdiction to open insolvency proceedings set out in paragraph 1B are in addition to any grounds for jurisdiction to open such proceedings which apply in the laws of any part of the United Kingdom.

1A. There is jurisdiction to open insolvency proceedings listed in paragraph 1B where the proceedings are opened for the purposes of rescue, adjustment of debt, reorganisation or liquidation and—

- (a) the centre of the debtor's main interests is in the United Kingdom; or
- (b) the centre of the debtor's main interests is in a Member State and there is an establishment in the United Kingdom.

1B. The proceedings referred to in paragraph 1 are—

- (a) winding up by or subject to the supervision of the court;
- (b) creditors' voluntary winding up with confirmation by the court;
- (c) administration, including appointments made by filing prescribed documents with the court;
- (d) voluntary arrangements under insolvency legislation; and
- (e) bankruptcy or sequestration.”.

(4) In paragraph 2 for “Directive [2001/24/EC](#)” substitute “ the Credit Institutions (Reorganisation and Winding up) Regulations 2004 ”.^{M6}

Commencement Information

I7 Sch. para. 2 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M6 [S.I. 2004/1045](#). There are amending instruments but none is relevant to this instrument.

3. In Article 2—

- (a) insert the following paragraph—
 - “(1A) “Member State” means a state which is a member of the EU other than Denmark;”;
- (b) omit paragraphs (1) and (3);
- (c) in paragraph (4) for “listed in Annex A” substitute “ listed in Article 1(1B) which there is jurisdiction to open under Article 1(1A) and includes interim proceedings ”;
- (d) in paragraph (6)—
 - (i) omit point (i); and
 - (ii) in point (ii) omit “in all other articles,” and “of a Member State”;
- (e) omit paragraph (9);
- (f) in paragraph (10) omit “main”;
- (g) omit paragraphs (11) to (14).

Commencement Information

I8 Sch. para. 3 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

- 4.—(1) Article 3 is amended as follows.
- (2) For the heading “International jurisdiction” substitute “ Centre of main interests ”.
- (3) In paragraph 1—
 - (a) in the first sub-paragraph omit the first sentence;
 - (b) in the second sub-paragraph for “to another Member State” substitute “ from the United Kingdom to a Member State or to the United Kingdom from a Member State ”;
 - (c) in the third sub-paragraph for “to another Member State” substitute “ from the United Kingdom to a Member State or to the United Kingdom from a Member State ”;
 - (d) in the fourth sub-paragraph for “to another Member State” substitute “ from the United Kingdom to a Member State or to the United Kingdom from a Member State ”;
- (4) Omit paragraphs 2 to 4.

Commencement Information

I9 Sch. para. 4 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

- 5.—(1) Article 4 is amended as follows.
- (2) In paragraph 1—
 - (a) in the first sentence for “Article 3” substitute “ Article 1(1A) (a) or (b) ”; and
 - (b) for the second sentence substitute “ Where there is jurisdiction to open insolvency proceedings on either of the grounds specified in Article 1(1A)(a) or (b), the judgment opening such proceedings must state which of those grounds is applicable. ”.
- (3) In paragraph 2—
 - (a) in the first sentence—
 - (i) omit “in accordance with national law” and “Member States may entrust”;

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- (ii) for the words from “to examine” to the end of the sentence substitute “ must examine the grounds on which there is jurisdiction to open the proceedings under Article 1(1A). ”; and
- (b) for the second sentence substitute “ Where this is the case and there is jurisdiction to open insolvency proceedings on either of the grounds specified in Article 1(1A)(a) or (b), the insolvency practitioner must specify in the decision opening the proceedings which of those grounds is applicable. ”.

Commencement Information

I10 Sch. para. 5 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

- 6.—**(1) Article 5 is amended as follows.
- (2) In the heading omit “main”.
 - (3) In paragraph 1—
 - (a) omit “main” after “the decision opening”; and
 - (b) for “grounds of international jurisdiction” substitute “ the grounds of jurisdiction under Article 1(1A)(a) ”.
 - (4) In paragraph 2—
 - (a) omit “main” after “the decision opening”;
 - (b) omit “international”;
 - (c) after “jurisdiction” insert “ under Article 1(1A)(a) ”; and
 - (d) for “national law so provides” substitute “ the relevant law (other than this Regulation) of the part of the United Kingdom in which the matter is being determined so provides ”.

Commencement Information

I11 Sch. para. 6 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

[^{F107}. Omit Articles 6 to 83.]

F10 Sch. para. 7 substituted (31.12.2020) by [The Insolvency \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1459\)](#), reg. 1(2), **Sch. para. 3**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I12 Sch. para. 7 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

- 8.** In Article 84 omit—
- (a) the second sentence of paragraph 1, and
 - (b) paragraph 2.

Commencement Information

I13 Sch. para. 8 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

- 9.** In Article 85—

- (a) omit paragraphs 1 and 2;
- (b) in paragraph 3—
 - (i) in point (a) omit “in any Member State”; and
 - (ii) for “that Member State” substitute “ the United Kingdom ”.

.....
Commencement Information

I14 Sch. para. 9 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

10. Omit Articles 86 to 90.

.....
Commencement Information

I15 Sch. para. 10 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

11. In Article 91 omit the second sentence.

.....
Commencement Information

I16 Sch. para. 11 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

12. In Article 92 omit point (c).

.....
Commencement Information

I17 Sch. para. 12 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

13. Omit the sentence immediately following Article 92 which begins “This Regulation shall be binding”.

.....
Commencement Information

I18 Sch. para. 13 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

14. Omit Annex A.

.....
Commencement Information

I19 Sch. para. 14 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

15. In Annex B omit all the entries other than those for the United Kingdom.

.....
Commencement Information

I20 Sch. para. 15 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

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PART 2

Amendments to the Insolvency Act 1986

16. The Insolvency Act 1986^{M7} is amended as follows.

Commencement Information

I21 Sch. para. 16 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M7 1986 c.45. Relevant amendments have been made by the [Small Business, Enterprise and Employment Act 2015 \(c.26\)](#); and [S.I. 2017/702](#).

17. In section 1 in subsection (4)^{M8}—

- (a) in paragraph (b) omit “other than the United Kingdom”; and
- (b) in paragraph (c) for “other than Denmark” substitute “ (other than Denmark) or in the United Kingdom ”.

Commencement Information

I22 Sch. para. 17 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M8 Subsection (4) has been amended by S.I.s 2002/1240, 2005/879 and 2009/1941.

18. In section 106 omit subsections (4A) and (4B)^{M9}.

Commencement Information

I23 Sch. para. 18 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M9 New section 106 substituted by the Small Business, Enterprise and Employment Act 2015. The amendment has not been commenced for Scotland. Section 106 as in force in England and Wales was amended by [S.I. 2017/702](#) which inserted subsections (4A) and (4B).

19. In section 117 omit subsection (7)^{M10}.

Commencement Information

I24 Sch. para. 19 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M10 Subsection (7) was inserted by [S.I. 2002/1240](#) and was amended by [S.I. 2017/702](#).

20. In section 120 omit subsection (6).

Commencement Information

I25 Sch. para. 20 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

21. In section 124 in subsection (1) omit the words from “or by a member State liquidator” to “Article 52 of the EU Regulation)”^{M11}.

Commencement Information

I26 Sch. para. 21 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M11 Subsection (1) has been amended by S.I.s 2002/1240 and 2017/702.

22. In section 146 omit subsections (6) and (7)^{M12}.

Commencement Information

I27 Sch. para. 22 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M12 New section 146 substituted by the Small Business, Enterprise and Employment Act 2015. The amendment has not been commenced for Scotland. Section 146 as in force in England and Wales was amended by [S.I. 2017/702](#) which inserted subsections (6) and (7).

23. Omit section 146A^{M13}.

Commencement Information

I28 Sch. para. 23 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M13 Section 146A was inserted by [S.I. 2017/702](#).

24.—(1) Section 201 is amended as follows^{M14}.

(2) In subsection (2) omit—

- (a) “and any statement under section 106(4B),”; and
- (b) “(except where subsection (2A) applies)”.

(3) Omit subsections (2A) and (2B).

Commencement Information

I29 Sch. para. 24 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M14 Section 201 was amended by the Small Business, Enterprise and Employment Act 2015. The amendment has not been commenced for Scotland. Relevant amendments to the section as in force in England and Wales are made by [S.I. 2017/702](#).

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- 25.**—(1) Section 202 is amended as follows ^{M15}.
- (2) Omit subsections (2A) and (2B).
 - (3) In subsection (4) omit “and send any statement under subsection (2B)”.
 - (4) In subsection (5)—
 - (a) omit “and any statement under subsection (2B)”;
 - (b) after “shall forthwith register it” omit “or them”; and
 - (c) omit “(except where subsection (6) applies)”.
 - (5) Omit subsections (6) and (7).
 - (6) In subsection (8) omit “or (7)”.

Commencement Information

I30 Sch. para. 25 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M15 Section 202 was amended by [S.I. 2017/702](#).

- 26.**—(1) Section 205 is amended as follows ^{M16}.
- (2) In subsection (2) omit “and any statement under section 146(7) or 146A(2)”.
 - (3) Omit subsections (2A) and (2B).

Commencement Information

I31 Sch. para. 26 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M16 Section 205 has been amended by the Small Business, Enterprise and Employment Act 2015. The amendment has not been commenced for Scotland. Relevant amendments to the section as in force in England and Wales are made by [S.I. 2017/702](#).

- 27.** In section 225 omit subsection (2).

Commencement Information

I32 Sch. para. 27 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

- 28.** In section 240 in subsection (3)(d) omit the words from “either following” to “Article 51 of the EU Regulation or”.

Commencement Information

I33 Sch. para. 28 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

- 29.** In section 247 ^{M17} in subsection (3) omit paragraph (b) and the “, or” preceding it.

Commencement Information

I34 Sch. para. 29 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

Marginal Citations

M17 Section 247(3)(b) was amended by [S.I. 2017/702](#).

30. In section 251 omit the definitions of “EU insolvency proceedings” and “member State liquidator”^{M18}.

Commencement Information

I35 Sch. para. 30 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

Marginal Citations

M18 These definitions were inserted by [S.I. 2017/702](#).

31.—(1) Section 263I is amended as follows.

(2) In subsection (1)—

(a) after paragraph (a) insert—

“(ab) the centre of the debtor's main interests is in a member State (other than Denmark) and the debtor has an establishment in England and Wales, or”;

(b) in paragraph (b) omit the words from the beginning of the paragraph to “the EU Regulation, but”.

(3) After subsection (4) insert—

“(5) In this section “establishment” has the same meaning as in Article 2(10) of the EU Regulation.”.

Commencement Information

I36 Sch. para. 31 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

32. In section 264 in subsection (1) omit paragraphs (ba) and (bb)^{M19}.

Commencement Information

I37 Sch. para. 32 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

Marginal Citations

M19 Paragraphs (ba) and (bb) were inserted by [S.I. 2002/1240](#).

33.—(1) Section 265 is amended as follows.

(2) In subsection (1)—

(a) after paragraph (a) insert—

“(ab) the centre of the debtor's main interests is in a member State (other than Denmark) and the debtor has an establishment in England and Wales, or”;

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(b) in paragraph (b) omit the words from the beginning of the paragraph to “the EU Regulation, but”.

(3) After subsection (4) insert—

“(5) In this section “establishment” has the same meaning as in Article 2(10) of the EU Regulation.”.

Commencement Information

I38 Sch. para. 33 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

34. In section 330 ^{M20} omit subsection (6).

Commencement Information

I39 Sch. para. 34 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

Marginal Citations

M20 Subsection (6) was inserted by [S.I. 2002/1240](#) and amended by [S.I. 2017/702](#).

35. In section 387 ^{M21} in subsection (3)—

- (a) omit paragraphs (aa) and (ab);
- (b) in paragraph (b) omit “, (aa) or (ab)”;
- (c) in paragraph (ba) omit “, (aa), (ab)”;
- (d) in paragraph (c) omit “, (aa), (ab)”.

Commencement Information

I40 Sch. para. 35 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

Marginal Citations

M21 In subsection (3) paragraphs (aa) and (ab) were inserted by [S.I. 2002/1240](#) and amended by [S.I. 2017/702](#).

36. In section 388 ^{M22} omit subsection (6).

Commencement Information

I41 Sch. para. 36 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

Marginal Citations

M22 Subsection (6) was inserted by [S.I. 2002/1240](#) and amended by [S.I. 2017/702](#).

37. In section 411 in subsection (2B) for the words from “an offence” to the end of the sentence substitute “ a new relevant offence ”.

Commencement Information

I42 Sch. para. 37 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

38. In section 412 in subsection (2B) for the words from “an offence” to the end of the sentence substitute “ a new relevant offence ”.

Commencement Information

I43 Sch. para. 38 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

39. In section 420 in subsection (1B) for the words from “an offence” to the end of the sentence substitute “ a new relevant offence ”.

Commencement Information

I44 Sch. para. 39 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

40. In section 421 in subsection (1B) for the words from “an offence” to the end of the sentence substitute “ a new relevant offence ”.

Commencement Information

I45 Sch. para. 40 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

41. After section 422 insert—

“422A Meaning of “relevant offence”

422A. In this Part “relevant offence” means a criminal offence punishable with imprisonment for more than two years or punishable on summary conviction with imprisonment for more than three months or with a fine of more than level 5 on the standard scale (if not calculated on a daily basis) or with a fine of more than £100 a day.”

Commencement Information

I46 Sch. para. 41 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

42. In section 436 in the definition of “the EU Regulation” at the end insert “ as it forms part of domestic law on and after exit day ”.

Commencement Information

I47 Sch. para. 42 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

43. Omit section 436A^{M23}.

Commencement Information

I48 Sch. para. 43 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

Marginal Citations

M23 Section 436A was inserted by S.I. 2002/1240.

44. In Schedule B1^{M24}—

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- (a) in paragraph 84 ^{M25}—
- (i) omit sub-paragraphs (1A) and (1B);
 - (ii) in sub-paragraph (3) omit “and any statement under sub-paragraph (1B)” and at the end omit “or them”;
 - (iii) in sub-paragraph (6) omit “(except where sub-paragraph (6A) applies)”;
 - (iv) omit sub-paragraphs (6A) and (6B); and
 - (v) in sub-paragraph (7)(a) and (c) omit “or (6B)”;
- (b) in paragraph 111 ^{M26}—
- (i) in sub-paragraph (1A)(b) omit “other than the United Kingdom”; and
 - (ii) in sub-paragraph (1A)(c) for “other than Denmark” substitute “ (other than Denmark) or in the United Kingdom ”.

Commencement Information

I49 Sch. para. 44 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

Marginal Citations

M24 Schedule B1 was inserted by section 248 of the **Enterprise Act 2002 (c. 40)**.

M25 Paragraph 84 was amended by **S.I. 2017/702**.

M26 In paragraph 111 sub-paragraph (1A) was inserted by **S.I. 2005/879**.

PART 3

Administration under old Part 2 of the Insolvency Act 1986

45.—(1) Part 2 of the Insolvency Act 1986 as it had effect immediately before the coming into force of section 248 of the Enterprise Act 2002 and in so far as it continues to have effect is amended as follows ^{M27}.

(2) In section 8 for “Article 3 of the EC Regulation” substitute “ Article 1 of the EU Regulation ”.

Commencement Information

I50 Sch. para. 45 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

Marginal Citations

M27 Section 248 of the Enterprise Act 2002 substituted a new Part 2 of the Insolvency Act 1986. However section 249 provided that that substitution was to have no effect in relation to the special administration regimes covered by that section.

PART 4

Amendments to the Insolvency (England and Wales) Rules 2016

46. The Insolvency (England and Wales) Rules 2016 ^{M28} are amended as follows.

Commencement Information

I51 Sch. para. 46 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

Marginal Citations

M28 **S.I. 2016/1024**, relevant amendments were made by **S.I. 2017/702**.

47. In rule 1.2(2)—

(a) omit the following definitions—

- (i) “main proceedings”,
- (ii) “member State liquidator”,
- (iii) “non-EU proceedings”,
- (iv) “secondary proceedings”,
- (v) “temporary administrator”,
- (vi) “territorial proceedings”;

(b) insert in the appropriate places—

““COMI proceedings” means insolvency proceedings in England and Wales to which the EU Regulation applies where the centre of the debtor's main interests is in the United Kingdom;

“establishment” has the same meaning as in Article 2(10) of the EU Regulation;

“establishment proceedings” means insolvency proceedings in England and Wales to which the EU Regulation applies where the debtor has an establishment in the United Kingdom;”.

Commencement Information

I52 Sch. para. 47 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

48.—(1) Rule 1.7 is amended as follows ^{M29}.

(2) For the heading substitute “ Reasons for stating whether proceedings are or will be COMI proceedings, establishment proceedings etc. ”.

(3) In the opening words for “main, secondary or territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ” and after “must include” insert “ as applicable ”.

(4) In paragraph (a)—

- (a) at the end of sub-paragraph (ii) omit “or”;
- (b) after sub-paragraph (ii) insert—

“(ia) the place where there is an establishment within the jurisdiction, or”; and

- (c) in sub-paragraph (iii) for “non-EU proceedings” substitute “ proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

(5) For sub-paragraph (b) substitute—

- “(b) for a debtor—
 - (i) the centre of main interests, or

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

(ii) the place where there is an establishment within the jurisdiction.”.

Commencement Information

I53 Sch. para. 48 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

Marginal Citations

M29 Rule 1.7 has been amended by **S.I. 2017/1115**.

49. In rule 1.20 delete paragraph (1)(o).

Commencement Information

I54 Sch. para. 49 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

50. In rule 2.3 in paragraph (1) for sub-paragraph (q) substitute—

“(q) whether the proceedings will be COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply with reasons;”.

Commencement Information

I55 Sch. para. 50 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

51. In rule 2.14 in paragraph (2A) ^{M30} for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I56 Sch. para. 51 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

Marginal Citations

M30 In rule 2.14 paragraph (2A) was inserted by **S.I. 2017/702** and amended by **S.I. 2017/1115**.

52. In rule 2.25 in paragraph (2A) ^{M31} for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I57 Sch. para. 52 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

Marginal Citations

M31 In rule 2.25 paragraph (2A) was inserted by **S.I. 2017/702**.

53. In rule 2.38 ^{M32} in paragraph (2) in sub-paragraph (d) for “main, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I58 Sch. para. 53 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

Marginal Citations

M32 In rule 2.38 paragraph (2)(d) was amended by **S.I. 2017/1115**.

54. In rule 3.3 in paragraph (2) in sub-paragraph (h) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I59 Sch. para. 54 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

55. In rule 3.6 in paragraph (3) in sub-paragraph (f) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I60 Sch. para. 55 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

56. In rule 3.8 omit paragraph (3)(c).

Commencement Information

I61 Sch. para. 56 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

57. In rule 3.10 in sub-paragraph (b) omit “(including the United Kingdom)” and “other than the United Kingdom”.

Commencement Information

I62 Sch. para. 57 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

58. In rule 3.12 omit paragraph (1)(g).

Commencement Information

I63 Sch. para. 58 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

59. In rule 3.13 in paragraph (1)—

- (a) in sub-paragraph (h) after “EU Regulation” insert “ as it has effect in the law of the United Kingdom ”; and
- (b) in sub-paragraph (i) for “main, secondary or territorial proceedings” substitute “ COMI proceedings or establishment proceedings ”.

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I64 Sch. para. 59 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

60. In rule 3.16 in paragraph (2) in sub-paragraph (k) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I65 Sch. para. 60 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

61. In rule 3.17 in paragraph (1) in sub-paragraph (k) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I66 Sch. para. 61 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

62. In rule 3.21 in paragraph (1) in sub-paragraph (i) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I67 Sch. para. 62 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

63. In rule 3.23 in paragraph (1) in sub-paragraph (i) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I68 Sch. para. 63 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

64. In rule 3.24 in paragraph (1) in sub-paragraph (h) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I69 Sch. para. 64 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

65. In rule 3.25 in paragraph (2) in sub-paragraph (i) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I70 Sch. para. 65 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

66. In rule 3.35 in paragraph (1) in sub-paragraph (m) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I71 Sch. para. 66 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

67. In rule 3.51 in paragraph (2) in sub-paragraph (g) omit “costs referred to in Articles 30 or 59 of the EU Regulation and”.

Commencement Information

I72 Sch. para. 67 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

68. In rule 3.63 in paragraph (4) omit sub-paragraph (d).

Commencement Information

I73 Sch. para. 68 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

69. In rule 3.68 in paragraph (2) omit sub-paragraph (g).

Commencement Information

I74 Sch. para. 69 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

70. In rule 6.42 in paragraph (4)(f) omit “costs referred to in Articles 30 or 59 of the EU Regulation and”.

Commencement Information

I75 Sch. para. 70 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

71. In rule 7.5 in paragraph (1) in sub-paragraph (n) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I76 Sch. para. 71 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

72. In rule 7.6 in paragraph (8) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

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Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I77 Sch. para. 72 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

73. In rule 7.9 in paragraph (3)—

- (a) insert after sub-paragraph (b) “ or ”, and
- (b) omit sub-paragraph (d) and the “or” preceding it.

Commencement Information

I78 Sch. para. 73 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

74. In rule 7.17 omit paragraph (2)(b) and the “or” preceding it.

Commencement Information

I79 Sch. para. 74 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

75. In rule 7.18 in sub-paragraph (c) —

- (a) insert “ or ” before “contributory”, and
- (b) omit “or member State liquidator”.

Commencement Information

I80 Sch. para. 74 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

76. In rule 7.20 in paragraph (1) in sub-paragraph (g) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I81 Sch. para. 76 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

77. In rule 7.26 in paragraph (1) in sub-paragraph (n) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I82 Sch. para. 77 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

78. In rule 7.28 in paragraph (6) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I83 Sch. para. 78 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

79. In rule 7.29 omit paragraph (6).

Commencement Information

I84 Sch. para. 79 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

80. In rule 7.32 in paragraph (1) sub-paragraph (h) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I85 Sch. para. 80 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

81. In rule 7.33—

- (a) after paragraph (1)(f) insert “ or ”;
- (b) omit paragraph (1)(g); and
- (c) in paragraph (2)(f) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I86 Sch. para. 81 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

82. In rule 7.35 in paragraph (1) in sub-paragraph (e)(ii) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I87 Sch. para. 82 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

83. In rule 7.108 in paragraph (4) in sub-paragraph (m) omit “costs referred to in Articles 30 or 59 of the EU Regulation and”.

Commencement Information

I88 Sch. para. 83 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

84. In rule 8.3 in paragraph (q) for “main, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

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Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I89 Sch. para. 84 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

85. In rule 8.19 in paragraph (1A) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I90 Sch. para. 85 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

86. In rule 10.7 in paragraph (1) for sub-paragraph (d) substitute—

“(d) whether—

- (i) the centre of the debtor's main interests is within the United Kingdom or is within a member State;
- (ii) the centre of the debtor's main interests is neither within the United Kingdom nor a member State;
- (iii) the debtor has an establishment within the United Kingdom;
- (iv) the debtor carries on business as an Article 1.2 undertaking;”.

Commencement Information

I91 Sch. para. 86 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

87. In rule 10.8 in paragraph (1) in sub-paragraph (g) for “another” substitute “ the UK or a ”.

Commencement Information

I92 Sch. para. 87 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

88. In rule 10.12 in paragraph (4)—

- (a) at the end of sub-paragraph (a) insert “ and ”; and
- (b) omit sub-paragraph (c) and the “and” preceding it.

Commencement Information

I93 Sch. para. 88 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

89. In rule 10.14 omit paragraph (3).

Commencement Information

I94 Sch. para. 89 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

90. In rule 10.19—

- (a) in paragraph (1) omit the words from “or a member State liquidator” to “in relation to the debtor”;

- (b) in paragraph (2) in sub-paragraph (f) omit the words “or member State liquidator”.

Commencement Information

I95 Sch. para. 90 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

91. In rule 10.29—

- (a) in paragraph (2) in sub-paragraph (a) omit the words from “or a member State liquidator” to “in relation to the debtor”; and
- (b) in paragraph (6) in sub-paragraph (d) omit the words from “or a member State liquidator” to “in relation to the debtor”.

Commencement Information

I96 Sch. para. 91 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

92. In rule 10.31 in paragraph (1) for sub-paragraph (e)(i) substitute—

- “(i) that the court, being satisfied that the EU Regulation as it has effect in the law of the United Kingdom applies, declares that the proceedings are COMI proceedings or establishment proceedings, or”.

Commencement Information

I97 Sch. para. 92 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

93. In rule 10.41 in paragraph (2) for sub-paragraph (d)(i) substitute—

- “(i) that the adjudicator, being satisfied that the EU Regulation as it has effect in the law of the United Kingdom applies, declares that the proceedings are COMI proceedings or establishment proceedings, or”.

Commencement Information

I98 Sch. para. 93 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

94. In rule 10.49—

- (a) in paragraph (1)—
- (i) at the end of sub-paragraph (b) insert “ or ”; and
- (ii) omit sub-paragraph (d) and the “or” preceding it; and
- (b) in paragraph (2) in sub-paragraph (f) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I99 Sch. para. 94 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

95. In rule 10.51 in paragraph (1) in sub-paragraph (e)(ii) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

Commencement Information

I100 Sch. para. 95 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

96. In rule 10.149 in sub-paragraph (n) omit the words “costs referred to in Article 30 of the EU Regulation and”.

Commencement Information

I101 Sch. para. 96 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

97. In rule 12.15 in paragraph (2) omit “including any member State liquidator”.

Commencement Information

I102 Sch. para. 97 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

98. In rule 14.16 omit paragraph (3).

Commencement Information

I103 Sch. para. 98 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

99. In rule 14.32 omit paragraph (4).

Commencement Information

I104 Sch. para. 99 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

100. In rule 15.11 in the table in paragraph (1) omit the entry for “Main proceedings in another member State”.

Commencement Information

I105 Sch. para. 100 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

101. In rule 15.28 in paragraph (3) omit sub-paragraph (b) and the “or” preceding it.

Commencement Information

I106 Sch. para. 101 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

102. Omit rule 15.30.

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I107 Sch. para. 102 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

103. In rule 15.31—

- (a) in paragraph (7) omit the words from “; and for this purpose” to the end; and
- (b) in paragraph (9) in the opening words omit “or member State liquidator”.

Commencement Information

I108 Sch. para. 103 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

104. Omit rules 21.1 to 21.3 ^{M33}.

Commencement Information

I109 Sch. para. 104 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M33 Part 21 was amended by [S.I. 2017/702](#).

105. In rule 21.4 for paragraph (3)(e) substitute—

- “(e) a statement whether the proceedings will be COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply and the reasons for so stating.”.

Commencement Information

I110 Sch. para. 105 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

106. Omit rules 21.6 to 21.17.

Commencement Information

I111 Sch. para. 106 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

107. In Schedule 4 in the table of requirements for service in paragraph 6 omit the entry relating to rule 21.2 (application for conversion into winding up/ bankruptcy under EU Regulation).

Commencement Information

I112 Sch. para. 107 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

PART 5

Other amendments: England and Wales

The Administration of Insolvent Estates of Deceased Persons Order 1986

108.—(1) The Administration of Insolvent Estates of Deceased Persons Order 1986 ^{M34} is amended as follows.

(2) In Schedule 1 in Part 2—

- (a) in paragraph 1A renumber the two subsections to be inserted in section 265 of the Insolvency Act 1986 as subsections (6) and (7);
- (b) in the first line of the inserted subsection (7) for “subsection (5)” substitute “subsection (6)”; and
- (c) in paragraph 2 in sub-paragraph (a) in the subsection (1) to be substituted for that subsection in section 266 of the Insolvency Act 1986 omit paragraph (a).

Commencement Information

I113 Sch. para. 108 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M34 [S.I. 1986/1999](#). Relevant amendments have been made by [S.I. 2002/1309](#) and [S.I. 2017/1119](#) (which inserted paragraph 1A).

The Land Registration Rules 2003

109. In the Land Registration Rules 2003 ^{M35} omit rule 171.

Commencement Information

I114 Sch. para. 109 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M35 [S.I. 2003/1417](#). Rule 171 was amended by [S.I. 2017/702](#).

The Civil Proceedings Fees Order 2008

110.—(1) The Civil Proceedings Fees Order 2008 ^{M36} is amended as follows.

(2) In the Table in Schedule 1 omit the entry for fee 3.6.

Commencement Information

I115 Sch. para. 110 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M36 [S.I. 2008/1053](#). Fee 3.6 was substituted by [S.I. 2017/702](#).

PART 6

Other amendments: England, Wales and Scotland

The Pension Protection Fund (Entry Rules) Regulations 2005

111.—(1) The Pension Protection Fund (Entry Rules) Regulations 2005 ^{M37} are amended as follows.

- (2) In regulation 1—
 - (a) in paragraph (3) omit the definitions of “establishment” and “the Insolvency Regulation”; and
 - (b) omit paragraph (7).
- (3) In regulation 7—
 - (a) in paragraph (1) for “paragraphs (2), (4) and (5)” substitute “ paragraphs (2) and (4) ”; and
 - (b) omit paragraphs (5) and (6).
- (4) In regulation 7A—
 - (a) in paragraph (2) for “paragraphs (3), (5) and (6)” substitute “ paragraphs (3) and (5) ”, and
 - (b) omit paragraphs (6) and (7).

Commencement Information

I116 Sch. para. 111 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M37 [S.I. 2005/590](#); relevant amending instruments are S.I.s 2016/294 and 2017/702.

The Cross-Border Insolvency Regulations 2006

112. The Cross-Border Insolvency Regulations 2006 ^{M38} are amended as follows.

Commencement Information

I117 Sch. para. 112 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M38 [S.I. 2006/1030](#); relevant amendments were made by [S.I. 2017/702](#).

113. Schedule 1 is amended as follows.

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I118 Sch. para. 113 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

114. In article 1 in paragraph 3(b) omit “, other than the United Kingdom,”.

Commencement Information

I119 Sch. para. 114 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

115. In article 2—

(a) in paragraph (a)(i)—

(i) after “and made by or under” insert “ the EU Insolvency Regulation, ”, and

(ii) after “or by or under that” insert “ Regulation or ”;

(b) in paragraph (a)(ii) —

(i) after “and made by or under” insert “ the EU Insolvency Regulation, ”, and

(ii) after “or by or under” insert “ that Regulation or ”.

(c) in paragraph (d) at the end of the definition of “the EU Insolvency Regulation” insert “ as that Regulation forms part of domestic law on and after exit day ”.

Commencement Information

I120 Sch. para. 115 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

116. Omit article 3.

Commencement Information

I121 Sch. para. 116 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

117. In article 16—

(a) after paragraph 2 insert—

“**2A.** Where the EU Insolvency Regulation applies the centre of the debtor's main interests is to be determined in accordance with that Regulation.”;

(b) for paragraph 3 substitute—

“**3.** Subject to paragraph 2A, in the absence of proof to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the centre of the debtor's main interests.”.

Commencement Information

I122 Sch. para. 117 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

118. Schedule 2 is amended as follows.

Commencement Information

I123 Sch. para. 118 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

119. In paragraph 1 in sub-paragraph (1)^{M39} omit the definitions of “main proceedings”, “member State liquidator”, “secondary proceedings” and “territorial proceedings”.

Commencement Information

I124 Sch. para. 119 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M39 Relevant amendments were made to paragraph 1(1) by [S.I. 2017/702](#).

120. In paragraph 4 omit sub-paragraph (2).

Commencement Information

I125 Sch. para. 120 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

121. In paragraph 6 omit sub-paragraph (2)(b) and the “and” preceding it.

Commencement Information

I126 Sch. para. 121 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

122. In paragraph 21 omit sub-paragraph (2)(e).

Commencement Information

I127 Sch. para. 122 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

123. In paragraph 25 omit sub-paragraph (1)(e).

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I128 Sch. para. 123 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

124. In paragraph 26 omit sub-paragraph (3)(c).

Commencement Information

I129 Sch. para. 124 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

125. In paragraph 46 omit sub-paragraph (1)(f).

Commencement Information

I130 Sch. para. 125 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

126. Schedule 3 is amended as follows.

Commencement Information

I131 Sch. para. 126 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

127. In paragraph 1 in sub-paragraph (1) omit the definitions of “main proceedings” and “member State liquidator”.

Commencement Information

I132 Sch. para. 127 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

128. In paragraph 6 omit sub-paragraph (1)(e).

Commencement Information

I133 Sch. para. 128 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

129. In paragraph 7 omit sub-paragraph (3)(c).

Commencement Information

I134 Sch. para. 129 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

130. In paragraph 9 omit sub-paragraph (1)(f).

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I135 Sch. para. 130 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

131. Schedule 5 is amended as follows.

Commencement Information

I136 Sch. para. 131 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

132. In Form ML6 omit paragraph 5 (statement of service on the member State liquidator).

Commencement Information

I137 Sch. para. 132 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

PART 7

Amendments to the Insolvency Act 1986 applying to Scotland only

133. The Insolvency Act 1986 is amended as follows^{M40}.

Commencement Information

I138 Sch. para. 133 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

Marginal Citations

M40 Paragraphs 55 to 60 of the Schedule to SI 2017/702 made amendments to the 1986 Act which applied to Scotland only.

^{F11}**134.**

F11 Sch. para. 134 omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1459\)](#), [reg. 1\(2\)](#), **Sch. para. 4**; 2020 c. 1, Sch. 5 para. 1(1)

^{F12}**135.**

F12 Sch. para. 135 omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1459\)](#), [reg. 1\(2\)](#), **Sch. para. 4**; 2020 c. 1, Sch. 5 para. 1(1)

^{F13}**136.**

F13 Sch. para. 136 omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1459\)](#), [reg. 1\(2\)](#), **Sch. para. 4**; 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

137. In section 204 omit subsections (4A) to (4E).

Commencement Information

I139 Sch. para. 137 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

^{F14}**138.**

F14 Sch. para. 138 omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1459\)](#), [reg. 1\(2\)](#), [Sch. para. 4](#); [2020 c. 1, Sch. 5 para. 1\(1\)](#)

[^{F15}PART 8A

Amendments to the Insolvency (Scotland) (Receivership and Winding up) Rules 2018

F15 Sch. Pts. 8A, 8B inserted (31.12.2020) by [The Insolvency \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1459\)](#), [reg. 1\(2\)](#), [Sch. para. 6](#); [2020 c. 1, Sch. 5 para. 1\(1\)](#)

137A. The Insolvency (Scotland) (Receivership and Winding up) Rules 2018 are amended as follows.

137B.—(1) In rule 1.2(1)—

(a) omit the following definitions—

- (i) “local creditor”,
- (ii) “main proceedings”,
- (iii) “member State liquidator”,
- (iv) “non-EU proceedings”,
- (v) “secondary proceedings”,
- (vi) “temporary administrator”,
- (vii) “territorial proceedings”;

(b) in the note in square brackets which explains the definition of “EU Regulation” omit the words after “section 436”;

(c) insert in the appropriate places—

““COMI proceedings” means insolvency proceedings in Scotland to which the EU Regulation applies where the centre of the debtor’s main interests is in the United Kingdom;”,

““establishment” has the same meaning as in Article 2(10) of the EU Regulation;”,

““establishment proceedings” means insolvency proceedings in Scotland to which the EU Regulation applies where the debtor has an establishment in the United Kingdom;”.

137C.—(1) Rule 1.8 is amended as follows.

(2) For the heading substitute “Reasons for stating whether proceedings are or will be COMI proceedings, establishment proceedings etc.”.

(3) In the opening words, for “main, secondary or territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply” and after “must include” insert “as applicable”.

(4) After paragraph (b) insert—

“(ba) the place where there is an establishment within the jurisdiction; or”.

(5) In paragraph (c) for “non-EU proceedings” substitute “proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

137D. In rule 1.17 omit paragraph (2)(i).

137E. In rule 5.4—

(a) after paragraph (1)(f) insert “or”;

(b) omit paragraph (1)(g);

(c) omit paragraph (1)(h).

137F. In rule 7.16 omit paragraph (3)(k).

137G. In rule 7.28 in paragraph (3)(a) omit “including any costs referred to in Article 30 and 59 of the EU Regulation”.

137H. In rule 7.31 omit paragraph (14).

137I. In rule 8.11 in the table in paragraph (1) omit the entry for “main proceedings in another Member State”.

137J. Omit rule 8.30.

137K. In rule 8.31—

(a) in paragraph (5) omit the words from “; and for this purpose” to the end; and

(b) in paragraph (7) in the opening words omit “or member State liquidator”.

137L. Omit rules 11.1 to 11.3.

137M. In rule 11.4 for paragraph (3)(e) substitute—

“(e) a statement whether the proceedings will be COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply and the reasons for so stating.”.

137N. Omit rules 11.6 to 11.17.]

[^{F15}PART 8B

Amendments to the Insolvency (Scotland) (Company Voluntary Arrangements and Administration) Rules 2018

137O. The Insolvency (Scotland) (Company Voluntary Arrangements and Administration) Rules 2018 are amended as follows.

137P. In rule 1.2(1)—

(a) omit the following definitions—

(i) “local creditor”,

(ii) “main proceedings”,

(iii) “member State liquidator”,

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

- (iv) “non-EU proceedings”,
 - (v) “secondary proceedings”,
 - (vi) “territorial proceedings”;
- (b) insert in the appropriate places—
- ““COMI proceedings” means insolvency proceedings in Scotland to which the EU Regulation applies where the centre of the debtor’s main interests is in the United Kingdom;”,
 - ““establishment” has the same meaning as in Article 2(10) of the EU Regulation;”,
 - ““establishment proceedings” means insolvency proceedings in Scotland to which the EU Regulation applies where the debtor has an establishment in the United Kingdom;”.

137Q.—(1) Rule 1.8 is amended as follows.

(2) For the heading substitute “Reasons for stating whether proceedings are or will be COMI proceedings, establishment proceedings etc.”.

(3) In the opening words for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

(4) In paragraph (b) omit the word “or”.

(5) After paragraph (b) insert—

“(ba) the place where there is an establishment within the jurisdiction, or”; and

(6) In paragraph (c) for “non-EU proceedings” substitute “proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

137R. In rule 1.17 omit paragraph (1)(i).

137S. In rule 2.3 in the table in paragraph (1), in the second column of the entry for “Type of insolvency proceedings”, for “whether the insolvency proceedings will be main, secondary, territorial or non-EU insolvency proceedings with reasons;” substitute—

“whether the proceedings will be COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply with reasons;”.

137T. In rule 2.13 in paragraph (5) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

137U. In rule 2.24 in paragraph (3) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

137V. In rule 2.37 in paragraph (2) in sub-paragraph (d) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

137W. In rule 3.6 omit paragraph (c).

137X. In rule 3.8 in paragraph (b) omit “(including the United Kingdom)” and “other than the United Kingdom”.

137Y. In rule 3.10 omit paragraph (g).

137Z. In rule 3.11 in paragraph (1)—

- (a) in sub-paragraph (g) after “EU Regulation” insert “as it has effect in the law of the United Kingdom”; and
- (b) in sub-paragraph (h) for “main, secondary or territorial proceedings” substitute “COMI proceedings or establishment proceedings”.

137ZA. In rule 3.16 in paragraph (2) in sub-paragraph (k) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

137ZB. In rule 3.17 in paragraph (1) in sub-paragraph (k) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

137ZC. In rule 3.21 in paragraph (1) in sub-paragraph (k) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

137ZD. In rule 3.23 in paragraph (1) in sub-paragraph (i) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

137ZE. In rule 3.24 in paragraph (1) in sub-paragraph (h) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

137ZF. In rule 3.25 in paragraph (2) in sub-paragraph (i) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

137ZG. In rule 3.35 in paragraph (1) in sub-paragraph (m) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

137ZH. In rule 3.51 in paragraph (2) in sub-paragraph (g) omit “costs referred to in Articles 30 or 59 of the EU Regulation and”.

137ZI. In rule 3.63 in paragraph (4) omit sub-paragraph (d).

137ZJ. In rule 3.68 in paragraph (2) omit sub-paragraph (g).

137ZK. In rule 3.105 in paragraph (3) omit sub-paragraph (k).

137ZL. In rule 3.117 omit paragraph (11).

137ZM. In rule 5.11 in the table in paragraph (1) omit the entry for “main proceedings in another member State”.

137ZN. Omit rule 5.27.

137ZO. In rule 5.28—

- (a) in paragraph (7) omit the words from “and for this purpose” to the end; and
- (b) in paragraph (9) in the opening words omit “or member State liquidator”.

137ZP. Omit Part 7 (the EU Regulation).]

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

F16 PART 8

Amendments to the Insolvency (Scotland) Rules 1986

F16 Sch. Pt. 8 omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1459\)](#), reg. 1(2), **Sch. para. 5**; 2020 c. 1, Sch. 5 para. 1(1)

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PART 9

Amendments to the Insolvency (Northern Ireland) Order 1989 and the Insolvency Rules (Northern Ireland) 1991

Amendments to the Insolvency (Northern Ireland) Order 1989

- 161. The Insolvency (Northern Ireland) Order 1989^{M41} is amended as follows.

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I140 Sch. para. 161 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

Marginal Citations

M41 S.I. 1989/2405 (N.I. 19). Relevant amendments have been made by S.R. (NI) 2002 No.334 and S.I. 2017/702.

162. In Article 2(2) in the definition of “the EU Regulation” at the end insert “ as it forms part of domestic law on and after exit day ”^{M42} .

Commencement Information

I141 Sch. para. 162 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

Marginal Citations

M42 The definition of “EU Regulation” was substituted by S.I. 2017/702.

163. In Article 2(2) omit the definitions of “EU insolvency proceedings” and “member State liquidator”^{M43} .

Commencement Information

I142 Sch. para. 163 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

Marginal Citations

M43 These definitions were inserted by paragraph 96 of the Schedule to S.I. 2017/702.

164. Omit Article 2A ^{M44}.

Commencement Information

I143 Sch. para. 164 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

Marginal Citations

M44 Article 2A was inserted by S.R. (NI) 2002 No. 334 and amended by S.I. 2017/702.

165. In Article 3 omit paragraph (6).

Commencement Information

I144 Sch. para. 165 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

166. In Article 6 in paragraph (3) omit sub-paragraph (b) and the “or” preceding it.

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I145 Sch. para. 166 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

167. In Article 14 in paragraph (4)—

- (a) in sub-paragraph (b) omit “other than the United Kingdom”; and
- (b) in sub-paragraph (c) after “interests” insert “ either ” and after “Denmark” insert “ or in the United Kingdom ”.

Commencement Information

I146 Sch. para. 167 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

168. In Article 80 omit paragraphs (3A) and (3B) ^{M45}.

Commencement Information

I147 Sch. para. 168 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M45 Paragraphs (3A) and (3B) were inserted by paragraph 100 of the Schedule to [S.I. 2017/702](#).

169. In Article 104 in paragraph (1) omit the words from “or by a member State liquidator” to “Article 52 of the EU Regulation)”^{M46}.

Commencement Information

I148 Sch. para. 169 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M46 Paragraph (1) was amended by paragraph 101 of the Schedule to [S.I. 2017/702](#).

170. In Article 124 omit paragraphs (6) and (7) ^{M47}.

Commencement Information

I149 Sch. para. 170 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M47 Paragraphs (6) and (7) were inserted by paragraph 102 of the Schedule to [S.I. 2017/702](#).

171. Omit Article 124A ^{M48}.

Commencement Information

I150 Sch. para. 171 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M48 Article 124A was inserted by paragraph 103 of the Schedule to [S.I. 2017/702](#).

172.—(1) Article 166 is amended as follows ^{M49}.

(2) In paragraph (2) omit “and any statement under Article 80(3B)” and “(except where paragraph (2A) applies)”.

(3) Omit paragraphs (2A) and (2B).

Commencement Information

I151 Sch. para. 172 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M49 Article 166 was amended by paragraph 104 of the Schedule to [S.I. 2017/702](#).

173.—(1) Article 167 is amended as follows ^{M50}.

(2) Omit paragraphs (1A) and (1B).

(3) In paragraph (2) for “an application under paragraph (1)” substitute “ that application ”.

(4) In paragraph (3) omit “and to send any statement under paragraph (1B)”.

(5) In paragraph (4)—

(a) omit “and any statement under paragraph (1B)” and “or them”;

(b) for “subject to paragraph (5)” substitute “ subject to paragraph (7) ”; and

(c) omit “(except where paragraph (5) applies)”.

(6) Omit paragraphs (5) and (6).

(7) In paragraph (7) for “the period in paragraph (4) or (6)” substitute “ that period ”.

Commencement Information

I152 Sch. para. 173 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M50 Article 167 was amended by paragraph 105 of the Schedule to [S.I. 2017/702](#) which inserted paragraphs (5) and (6) and renumbered and amended paragraph (7).

174.—(1) Article 169 ^{M51} is amended as follows.

(2) In paragraph (1) omit “and any statement under Article 124(7) or 124A(2)” and “of the final account or notice”.

(3) Omit paragraphs (1A) and (1B).

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I153 Sch. para. 174 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M51 Article 169 was amended by paragraph 107 of the Schedule to [S.I. 2017/702](#).

175. In Article 204 ^{M52} in paragraph (3)(d) omit the words from “either following” to “Article 51 of the EU Regulation or”.

Commencement Information

I154 Sch. para. 175 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M52 Article 204 was amended by paragraph 110 of the Schedule to [S.I. 2017/702](#).

176. In Article 238 in paragraph (1) omit sub-paragraphs (ba) and (bb) ^{M53}.

Commencement Information

I155 Sch. para. 176 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M53 Paragraphs (ba) and (bb) were amended by paragraph 111 of the Schedule to [S.I. 2017/702](#).

177. For Article 239 substitute—

“Conditions to be satisfied in respect of debtor

239.—(1) A bankruptcy petition may be presented to the High Court under Article 238(1)(a) or (b) only if—

- (a) the centre of the debtor's main interests is in Northern Ireland,
- (b) the centre of the debtor's main interests is in a member State of the European Union which has adopted the EU Regulation and the debtor has an establishment in Northern Ireland, or
- (c) the centre of the debtor's main interests is not in a member State of the European Union which has adopted the EU Regulation, but the test in paragraph (2) is met.

(2) The test is that—

- (a) the debtor is domiciled in Northern Ireland, or
- (b) the debtor is personally present in Northern Ireland on the day on which the petition is presented, or
- (c) at any time in the period of three years ending with the day on which the petition is presented, the debtor—

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

- (i) has been ordinarily resident, or has had a place of residence, in Northern Ireland, or
 - (ii) has carried on business in Northern Ireland.
- (3) The reference in paragraph (2) to the debtor carrying on business includes—
- (a) the carrying on of business by a firm or partnership of which the debtor is a member, and
 - (b) the carrying on of business by an agent or manager for the debtor or for such a firm or partnership.
- (4) In this Article—
- (a) references to the centre of the debtor's main interests have the same meaning as in Article 3 of the EU Regulation, and
 - (b) “establishment” has the same meaning as in Article 2(10) of the EU Regulation.”.

Commencement Information

I156 Sch. para. 177 in force at 31.1.2019, see reg. 1(2)(b)

178.—(1) Article 239^{M54} (as substituted by paragraph 177) is amended as follows.

(2) In paragraph (1)—

- (a) in sub-paragraph (b) after “European Union” insert “ other than Denmark ” and omit the words “which has adopted the EU Regulation”; and
- (b) in sub-paragraph (c) omit the words from the beginning of the paragraph to “the EU Regulation, but”.

Commencement Information

I157 Sch. para. 178 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M54 Article 239 was amended by paragraph 112 of the Schedule to [S.I. 2017/702](#).

179. In Article 303 omit paragraph (6)^{M55}.

Commencement Information

I158 Sch. para. 179 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M55 Article 303 paragraph (6) was inserted by regulation 15 of S.R. (NI) [2002 No. 334](#) and amended by paragraph 113 of the Schedule to [S.I. 2017/702](#).

180. In Article 347 in paragraph (3)^{M56}—

- (a) omit sub-paragraphs (aa) and (ab);
- (b) in sub-paragraph (b) omit “, (aa) or (ab)”;

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Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

- (c) in sub-paragraph (ba) omit “, (aa), (ab)”;
- (d) in sub-paragraph (c) omit “ (aa), (ab),”.

Commencement Information

I159 Sch. para. 180 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M56 Article 347 was amended by paragraph 114 of the Schedule to [S.I. 2017/702](#).

181. In Article 359 ^{M57} in paragraph (2B) for the words from “an offence” to the end of the sentence substitute “ a new relevant offence (see Article 366A) ”.

Commencement Information

I160 Sch. para. 181 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M57 Article 359 was amended by S.R. (NI) 2002 No 223, regulation 4 (2) and paragraph 115 of the Schedule to [S.I. 2017/702](#).

182. In Article 364 ^{M58} in paragraph (1B) for the words from “an offence” to the end of the sentence substitute “ a new relevant offence (see Article 366A) ”.

Commencement Information

I161 Sch. para. 182 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M58 Article 364 was amended by S.R. (NI) [2002 No. 223, regulation 4\(3\)](#) and [S.I. 2017/702, regulation 116](#).

183. In Article 365 ^{M59} in paragraph (1B) for the words from “an offence” to the end of the sentence substitute “ a new relevant offence (see Article 366A) ”.

Commencement Information

I162 Sch. para. 183 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M59 Article 365 was amended by S.R. (NI) [2002 No. 223, regulation 4\(3\)](#) and paragraph 117 of the Schedule to [S.I. 2017/702](#).

184. After Article 366 insert—

“Meaning of “relevant offence”

366A. In Articles 359(2B), 364(1B) and 365(1B), a “relevant offence” is a criminal offence punishable with imprisonment for more than two years or punishable on summary conviction with imprisonment for more than three months or with a fine of more than level 5 on the standard scale (if not calculated on a daily basis) or with a fine of more than £100 a day.”.

Commencement Information

I163 Sch. para. 184 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

185. In Schedule B1—

(a) in paragraph 1—

(i) in sub-paragraph (1A)(b) omit “other than the United Kingdom”;

(ii) in sub-paragraph (1A)(c) after “interests” insert “ either ” and after “Denmark” insert “ or in the United Kingdom ”;

(b) in paragraph 85 ^{M60}—

(i) omit sub-paragraphs (1A) and (1B);

(ii) in sub-paragraph (3) omit “and any statement under sub-paragraph (1B)” and at the end omit “or them”;

(iii) in sub-paragraph (6) omit “(except where sub-paragraph (6A) applies)”;

(iv) omit sub-paragraphs (6A) and (6B); and

(v) in sub-paragraphs (7)(a) and (c) omit “or (6B)”.

Commencement Information

I164 Sch. para. 185 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M60 Paragraph 85 was amended by paragraph 119 of the Schedule to [S.I. 2017/702](#).

Amendments to the Insolvency Rules (Northern Ireland) 1991

186. The Insolvency Rules (Northern Ireland) 1991 ^{M61} are amended as follows.

Commencement Information

I165 Sch. para. 186 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M61 S.R. (NI) 1991 No. 364.Relevant amendments were made by [S.I. 2017/702](#).

187. In Rule 0.2 (Interpretation)—

(a) omit the following definitions—

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- (i) “main proceedings”,
 - (ii) “Member State liquidator”,
 - (iii) “secondary proceedings”,
 - (iv) “temporary administrator”,
 - (v) “territorial proceedings”;
- (b) insert in the appropriate places—
- ““COMI proceedings” means insolvency proceedings in Northern Ireland to which the EU Regulation applies where the centre of the debtor's main interests is in the United Kingdom.”;
- ““establishment proceedings” means insolvency proceedings in Northern Ireland to which the EU Regulation applies where the debtor has an establishment in the United Kingdom.”;
- (c) in the definition of “establishment” for “Article 2(h) of the EC Regulation” substitute “Article 2(10) of the EU Regulation ”.

Commencement Information

I166 Sch. para. 187 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

188. In Rule 1.03 in paragraph (2) for sub-paragraph (q) substitute—

“(q) whether the proceedings will be COMI proceedings, establishment proceedings, or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply with reasons.”

M62

Commencement Information

I167 Sch. para. 188 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M62 Paragraph (2)(q) was inserted by Rule 5 of the Insolvency (Amendment) Rules (Northern Ireland) 2002, S.R. [2002 No. 261](#).

189. In Rule 1.09 in paragraph (1A) ^{M63} for the words “main, secondary, territorial” substitute “COMI proceedings, establishment proceedings”.

Commencement Information

I168 Sch. para. 189 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M63 Rule 1.09 was amended by paragraph 122 of the Schedule to [S.I. 2017/702](#).

190. In Rule 1.24 in paragraph (2)(ca) for the words “whether the proceedings are main proceedings, secondary proceedings or territorial proceedings;” substitute “ whether the proceedings

are COMI proceedings, establishment proceedings, or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply; ”^{M64} .

Commencement Information

I169 Sch. para. 190 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M64 Rule 1.24 was amended by S.R. (NI) [2002 No. 261](#)

191. Omit Rules 1.31 to 1.33 (Chapter 7) ^{M65} .

Commencement Information

I170 Sch. para. 191 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M65 Chapter 7, Rules 1.31, 1.32 and 1.33 were amended by paragraphs 123, 124 and 125 of the Schedule to [S.I. 2017/702](#).

192. Omit Rule 1.34 (Chapter 8) ^{M66} .

Commencement Information

I171 Sch. para. 192 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M66 Chapter 8, Rule 1.34 was amended by paragraph 126 of the Schedule to [S.I. 2017/702](#).

193. In Rule 1.39 in paragraph (2)(c) for the words “main, secondary, territorial” substitute “COMI proceedings, establishment proceedings” ^{M67} .

Commencement Information

I172 Sch. para. 193 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M67 Rule 1.39 was amended by paragraph 127 of the Schedule to [S.I. 2017/702](#).

194. In Rule 2.001 in paragraph (d) omit the reference to Chapters 14 and 15.

Commencement Information

I173 Sch. para. 194 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

195. In Rule 2.004 in paragraph (4) for the words from “main” to the second “proceedings” substitute “COMI proceedings or establishment proceedings”.

Commencement Information

I174 Sch. para. 195 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

196. In Rule 2.006 omit paragraph (3)(c).

Commencement Information

I175 Sch. para. 196 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

197. In Rule 2.012 omit paragraph (1)(g).

Commencement Information

I176 Sch. para. 197 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

198. In Rule 2.034 for paragraph (2)(p)(ii) substitute—

“(ii) if so, whether the proceedings will be COMI proceedings, establishment proceedings, or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply with reasons; and”.

Commencement Information

I177 Sch. para. 198 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

199. In Rule 2.039 omit—

- (a) paragraph (1)(a)(ii) and the “or” preceding it, and
- (b) paragraphs (8) to (11).

Commencement Information

I178 Sch. para. 199 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

200. In Rule 2.068 in paragraph (1)(f) omit the words “costs referred to in Articles 30 or 59 of the EU Regulations and”^{M68}.

Commencement Information

I179 Sch. para. 200 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M68 Rule 2.068 was amended by paragraph 128 of the Schedule to [S.I. 2017/702](#).

201. In Rule 2.096 omit paragraph (2)(a)(ii) and the “and” preceding it.

Commencement Information

I180 Sch. para. 201 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

202. In Rule 2.097 omit paragraph (4).

Commencement Information

I181 Sch. para. 202 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

203. In Rule 2.099 in paragraph (1) omit the words from “and” to the end of the sentence.

Commencement Information

I182 Sch. para. 203 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

204. In Rule 2.121 omit paragraph (2).

Commencement Information

I183 Sch. para. 204 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

205. Omit Rules 2.131 to 2.133 (Chapter 14) ^{M69}.

Commencement Information

I184 Sch. para. 205 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M69 Chapter 14, Rules 2.131, 2.132 and 2.133, was amended by paragraphs 129, 130 and 131 of the Schedule to [S.I. 2017/702](#).

206. Omit Rules 2.134 to 2.143 (Chapter 15) ^{M70}.

Commencement Information

I185 Sch. para. 206 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Marginal Citations

M70 Chapter 15, Rules 2.134 to 2.143, was amended by paragraphs 132 and 133 of the Schedule to [S.I. 2017/702](#).

207. In Rule 4.007 omit paragraph (4)(ea).

Commencement Information

I186 Sch. para. 207 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

208. In Rule 4.010 omit paragraph (3A).

Commencement Information

I187 Sch. para. 208 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

209. In Rule 4.012—

- (a) in paragraph (8) omit the words from “(i)” to “whether”; and
- (b) for the words “main proceedings or territorial proceedings” substitute “ COMI proceedings, establishment proceedings, or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

Commencement Information

I188 Sch. para. 209 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

210. In Rule 4.024 omit paragraph (6).

Commencement Information

I189 Sch. para. 210 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

211. In Rule 4.027 omit paragraph (1)(g).

Commencement Information

I190 Sch. para. 211 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

212. In Rule 4.073 ^{M71}—

- (a) omit paragraph (1)(a)(ii) and the “or” preceding it; and
- (b) omit paragraphs (8) to (10).

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I191 Sch. para. 212 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M71 Rule 4.073 was amended by S.R. (NI) 2002 No 261.

213. In Rule 4.228 in paragraph (3) sub-paragraph (m) omit the words “costs referred to in Articles 30 or 59 of the EU Regulation and”^{M72}.

Commencement Information

I192 Sch. para. 213 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M72 Rule 4.228(3)(m) was amended by paragraph 135 of the Schedule to [S.I. 2017/702](#).

214. In Rule 5.04 in paragraph (2)(r) for the words “main proceedings or territorial proceedings” substitute “COMI proceedings or establishment proceedings”.

Commencement Information

I193 Sch. para. 214 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

215. Omit Rules 5.61 to 5.64 (Chapter 13)^{M73}.

Commencement Information

I194 Sch. para. 215 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M73 Chapter 13, Rules 5.61 and 5.62 were amended by paragraphs 138 and 139 of the Schedule to [S.I. 2017/702](#).

216. In Rule 6.007 in paragraph (1) in sub-paragraph (f) for “another” substitute “the UK or a”.

Commencement Information

I195 Sch. para. 216 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

217. In Rule 6.013 omit paragraph (5).

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I196 Sch. para. 217 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

218. In Rule 6.027 in paragraph (2)(c) omit the wording in the second set of brackets.

Commencement Information

I197 Sch. para. 218 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

219. In Rule 6.049 ^{M74} —

- (a) in paragraph (1)(d) omit “or” at the end of the sentence; and
- (b) omit paragraph (1)(e).

Commencement Information

I198 Sch. para. 219 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M74 Rule 6.049 was amended by paragraph 140 of the Schedule to [S.I. 2017/702](#).

220. In Rule 6.090 omit paragraphs (8) to (10).

Commencement Information

I199 Sch. para. 220 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

221. In Rule 6.113 omit paragraph (3).

Commencement Information

I200 Sch. para. 221 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

222. In Rule 6.222 in paragraph (1) sub-paragraph (m) omit the words “insert costs referred to in Articles 30 or 59 of the EU Regulation and”^{M75}.

Commencement Information

I201 Sch. para. 222 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M75 Rule 6.222(1)(m) was amended by paragraph 141 of the Schedule to [S.I. 2017/702](#).

223. Omit Rules 6.231 and 6.232 (Chapter 26).

Commencement Information

I202 Sch. para. 223 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

224. In Rule 7.08A omit “including any member State liquidator”.

Commencement Information

I203 Sch. para. 224 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

225. In Rule 7.56 in paragraph (2) for the words in sub-paragraph (e) substitute “ whether the proceedings will be COMI proceedings or establishment proceedings.”^{M76} .

Commencement Information

I204 Sch. para. 225 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

Marginal Citations

M76 Rule 7.56 was amended by paragraph 142 of the Schedule 70 S.I. 2017/702.

226. Omit Rule 7.57.

Commencement Information

I205 Sch. para. 226 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

227. Omit Rule 7.58 (Chapter 11).

Commencement Information

I206 Sch. para. 227 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

228. Omit Rule 8.8.

Commencement Information

I207 Sch. para. 228 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

229. In Rule 11.01 omit paragraph (3).

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I208 Sch. para. 229 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

230. In Rule 11.02 omit paragraph (1)(b) and the “and” preceding it.

Commencement Information

I209 Sch. para. 230 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

231. In Rule 11.03 omit paragraph (4).

Commencement Information

I210 Sch. para. 231 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

232. In Rule 11.06 omit paragraph (1)(b) and the “and” preceding it.

Commencement Information

I211 Sch. para. 232 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

233. In Rule 12.13 omit paragraph (5).

Commencement Information

I212 Sch. para. 233 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

234. In Rule 12.19 omit paragraph (3A).

Commencement Information

I213 Sch. para. 234 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

PART 10

Other amendments: Northern Ireland

The Pension Protection Fund (Entry Rules) Regulations (Northern Ireland) 2005

235.—(1) The Pension Protection Fund (Entry Rules) Regulations (Northern Ireland) 2005 ^{M77} are amended as follows.

- (2) In regulation 1—
 - (a) in paragraph (2) omit the definitions of “establishment” and “the Insolvency Regulation”, and
 - (b) omit paragraph (4A).
- (3) In regulation 7—
 - (a) in paragraph (1) for “paragraphs (2), (4) and (5)” substitute “ paragraphs (2) and (4) ”, and
 - (b) omit paragraphs (5) and (6).
- (4) In regulation 7A—
 - (a) in paragraph (2) for “paragraphs (3), (5) and (6)” substitute “ paragraphs (3) and (5) ”, and
 - (b) omit paragraphs (6) and (7).

Commencement Information

I214 Sch. para. 235 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M77 S.R. (NI) [2005 No.126](#); as amended by S.R. (NI) 2005 No 364, S.R. (NI) 2008 No 303, S.R. (NI) 2009 No 245, S.R. (NI) 2014 No 195 and paragraph 144 of the Schedule to [S.I. 2017/702](#).

The Cross-Border Insolvency Regulations (Northern Ireland) 2007

236. The Cross-Border Insolvency Regulations (Northern Ireland) 2007 ^{M78} are amended as follows.

Commencement Information

I215 Sch. para. 236 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M78 S.R. (NI) [2007 No. 115](#); relevant amendments were made by paragraph 144 of the Schedule to [S.I. 2017/702](#).

237. Schedule 1 is amended as follows.

Commencement Information

I216 Sch. para. 237 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

238. In article 1 in paragraph 3(b) omit “, other than the United Kingdom,”.

Commencement Information

I217 Sch. para. 238 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

239. In article 2—

- (a) in sub-paragraph (b) at the end of the definition of “the EU Insolvency Regulation” insert “ as that Regulation forms part of domestic law on and after exit day ”; and
- (b) in sub-paragraph (k)—
 - (i) after “made by or under” insert “ the EU Insolvency Regulation and ”, and
 - (ii) after “or by or under that” insert “ Regulation or ”.

Commencement Information

I218 Sch. para. 239 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

240. Omit article 3.

Commencement Information

I219 Sch. para. 240 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

241. In article 16—

- (a) after paragraph 2 insert—

“**2A.** Where the EU Insolvency Regulation applies the centre of the debtor's main interests is to be determined in accordance with that Regulation.”;
- (b) for paragraph 3 substitute—

“**3.** Subject to paragraph 2A, in the absence of proof to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the centre of the debtor's main interests.”.

Commencement Information

I220 Sch. para. 241 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

242. Schedule 2 is amended as follows.

Commencement Information

I221 Sch. para. 242 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

243. In paragraph 1 in sub-paragraph (1) omit the definitions of “main proceedings”, “member State liquidator”, “secondary proceedings” and “territorial proceedings”.

Commencement Information

I222 Sch. para. 243 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

244. In paragraph 4 omit sub-paragraph (2).

Commencement Information

I223 Sch. para. 244 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

245. In paragraph 6 omit sub-paragraph (2)(b) and the “and” preceding it.

Commencement Information

I224 Sch. para. 245 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

246. In paragraph 21 omit sub-paragraph (2)(e).

Commencement Information

I225 Sch. para. 246 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

247. In paragraph 25 omit sub-paragraph (1)(e).

Commencement Information

I226 Sch. para. 247 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

248. In paragraph 26 omit sub-paragraph (3)(c).

Commencement Information

I227 Sch. para. 248 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

249. In paragraph 44 omit sub-paragraph (1)(f).

Commencement Information

I228 Sch. para. 249 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

250. Omit paragraph 53.

Commencement Information

I229 Sch. para. 250 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

251. Schedule 4 is amended as follows.

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I230 Sch. para. 251 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

252. In Form ML6 omit paragraph 5 (statement of service on the member State liquidator).

Commencement Information

I231 Sch. para. 252 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

PART 11

Amendments to the Employment Rights Act 1996 and the Pension Schemes Act 1993

Amendments to the Employment Rights Act 1996

253.—(1) The Employment Rights Act 1996 ^{M79} is amended as follows.

(2) In section 166 ^{M80}—

(a) in subsection (5)—

- (i) in paragraph (a) for “(6) or (8A)” substitute “ (6), (8ZA) or (8A) ”;
- (ii) in paragraph (b) for “(7) or (8A)” substitute “ (7), (8ZA) or (8A) ”;
- (iii) in paragraph (c) for “(8) or (8A)” substitute “ (8), (8ZA) or (8A) ”;
- (iv) in paragraph (d) for “(8A)” substitute “ (8ZA) or (8A) ”;

(b) after subsection (8) insert—

“(8ZA) This subsection is satisfied in the case of an employer if—

- (a) the employer is a legal person,
- (b) a request has been made for the first opening of collective proceedings—
 - (i) based on the insolvency of the employer, as provided for under the law of any part of the United Kingdom, and
 - (ii) involving the partial or total divestment of the employer's assets and the appointment of a liquidator or a person performing a similar task, and
- (c) any of the following has decided to open the proceedings—
 - (i) a court,
 - (ii) a meeting of creditors, or
 - (iii) the creditors by a decision procedure.”;

(c) in subsection (8B) for “subsection (8A)” substitute “ this section ”.

(3) In section 183 ^{M81}—

(a) in subsection (1)—

- (i) in paragraph (a) for “(2) or (4A)” substitute “ (2), (4ZA) or (4A) ”;
- (ii) in paragraph (b) for “(3) or (4A)” substitute “ (3), (4ZA) or (4A) ”;
- (iii) in paragraph (c) for “(4) or (4A)” substitute “ (4), (4ZA) or (4A) ”;

- (iv) in paragraph (d) for “(4A)” substitute “ (4ZA) or (4A) ”;
- (b) after subsection (4) insert—
 - “(4ZA) This subsection is satisfied in the case of an employer if—
 - (a) the employer is a legal person,
 - (b) a request has been made for the first opening of collective proceedings—
 - (i) based on the insolvency of the employer, as provided for under the law of any part of the United Kingdom, and
 - (ii) involving the partial or total divestment of the employer's assets and the appointment of a liquidator or a person performing a similar task, and
 - (c) any of the following has decided to open the proceedings—
 - (i) a court,
 - (ii) a meeting of creditors, or
 - (iii) the creditors by a decision procedure.”;
- (c) in subsection (4B) for “subsection (4A)” substitute “ this section ”.

Commencement Information

I232 Sch. para. 253 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M79 [1996 c. 18](#).

M80 Section 166 was amended by [S.I. 2001/1090](#); [S.I. 2012/3014](#) and [S.I. 2017/1205](#).

M81 Section 183 was amended by [S.I. 2001/1090](#); [S.I. 2012/3014](#) and [S.I. 2017/1205](#).

Amendments to the Pension Schemes Act 1993

254.—(1) The Pension Schemes Act 1993 ^{M82} is amended as follows—

(2) In section 123 ^{M83}—

- (a) for subsection (1)(d) substitute—
 - “(d) subsection (2A) or (2ZA) is satisfied.”;
- (b) after subsection (2) insert—
 - “(2ZA) This subsection is satisfied in the case of an employer if—
 - (a) the employer is a legal person,
 - (b) a request has been made for the first opening of collective proceedings—
 - (i) based on the insolvency of the employer, as provided for under the law of any part of the United Kingdom, and
 - (ii) involving the partial or total divestment of the employer's assets and the appointment of a liquidator or a person performing a similar task, and
 - (c) any of the following has decided to open the proceedings—
 - (i) a court,
 - (ii) a meeting of creditors, or
 - (iii) the creditors by a decision procedure.”;

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

(c) in subsection (2B) for “subsection (2A)” substitute “ this section ”.

Commencement Information

I233 Sch. para. 254 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M82 [1993 c. 48](#).

M83 Section 123 was amended by [S.I. 2017/1205](#).

PART 12

Amendments to the Employment Rights (Northern Ireland) Order 1996 and the Pension Schemes (Northern Ireland) Act 1993

Amendments to the Employment Rights (Northern Ireland) Order 1996

255.—(1) The Employment Rights (Northern Ireland) Order 1996 ^{M84} is amended as follows.

(2) In Article 201 (applications for payments) ^{M85}—

(a) in paragraph (5)—

(i) in sub-paragraph (a) after “(6)” insert “ or (8A) ”;

(ii) in sub-paragraph (b) after “(7)” insert “ or (8A) ” and at the end of that sub-paragraph omit “and”;

(iii) in sub-paragraph (c) after “(8)” insert “ or (8A) ”; and

(iv) at the end of sub-paragraph (c) insert—

“, and

(d) where the employer is not any of the above, if (but only if) paragraph (8A) is satisfied.”;

(b) after paragraph (8) insert—

“(8A) This paragraph is satisfied in the case of an employer if—

(a) a request has been made for the first opening of collective proceedings—

(i) based on the insolvency of the employer, as provided for under the laws, regulations and administrative provisions of a member State, and

(ii) involving the partial or total divestment of the employer's assets and the appointment of a liquidator or a person performing a similar task, and

(b) the competent authority has—

(i) decided to open the proceedings, or

(ii) established that the employer's undertaking or business has been definitively closed down and the available assets of the employer are insufficient to warrant the opening of the proceedings.

(8B) For the purposes of paragraph (8A)—

- (a) “liquidator or a person performing a similar task” includes the official receiver or an administrator, trustee in bankruptcy, judicial factor, supervisor of a voluntary arrangement, or a person performing a similar task;
 - (b) “competent authority” includes—
 - (i) a court,
 - (ii) a meeting of creditors,
 - (iii) a creditors' committee,
 - (iv) the creditors by a decision procedure, and
 - (v) an authority of a member State empowered to open insolvency proceedings, to confirm the opening of such proceedings or to take decisions in the course of such proceedings.
- (8C) An employee may apply under this Article only if the employee worked or habitually worked in Northern Ireland in that employment to which the application relates.”.
- (3) In Article 228 ^{M86}—
- (a) in paragraph (1)—
 - (i) in sub-paragraph (a) after “(2)” insert “ or (4A) ”;
 - (ii) in sub-paragraph (b) after “(3)” insert “ or (4A) ” and at the end of that sub-paragraph omit “and”;
 - (iii) in sub-paragraph (c) after “(4)” insert “ or (4A) ”; and
 - (iv) at the end of sub-paragraph (c) insert—
 - “, and
 - (d) where the employer is not any of the above, if (but only if) paragraph (4A) is satisfied.”;
 - (b) after paragraph (4) insert—
 - “(4A) This paragraph is satisfied in the case of an employer if—
 - (a) a request has been made for the first opening of collective proceedings—
 - (i) based on the insolvency of the employer, as provided for under the laws, regulations and administrative provisions of a member State, and
 - (ii) involving the partial or total divestment of the employer's assets and the appointment of a liquidator or a person performing a similar task, and
 - (b) the competent authority has—
 - (i) decided to open the proceedings, or
 - (ii) established that the employer's undertaking or business has been definitively closed down and the available assets of the employer are insufficient to warrant the opening of the proceedings.
 - (4B) For the purposes of paragraph (4A)—
 - (a) “liquidator or a person performing a similar task” includes the official receiver or an administrator, trustee in bankruptcy, judicial factor, supervisor of a voluntary arrangement, or a person performing a similar task;
 - (b) “competent authority” includes—
 - (i) a court,

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Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

- (ii) a meeting of creditors,
- (iii) a creditors' committee,
- (iv) the creditors by a decision procedure, and
- (v) an authority of a member State empowered to open insolvency proceedings, to confirm the opening of such proceedings or to take decisions in the course of such proceedings.

(4C) An employee may apply under Article 227 (employee's rights on insolvency of employer) only if the employee worked or habitually worked in Northern Ireland in that employment to which the application relates.”.

Commencement Information

I234 Sch. para. 255 in force at 31.1.2019, see reg. 1(2)(c)

Marginal Citations

M84 [S.I. 1996/1919 \(N.I. 16\)](#).

M85 Article 201 was amended by regulation 9 of, and Schedule 4 to S.R. (NI) [2004 No. 307](#); there are other amendments not relevant to these Regulations.

M86 Article 228 was amended by regulation 9 of, and the Schedule 4 to S.R. (NI) [2004 No. 307](#); there are other amendments not relevant to these Regulations.

Amendments to the Pension Schemes (Northern Ireland) Act 1993

- 256.**—(1) The Pension Schemes (Northern Ireland) Act 1993 ^{M87} is amended as follows.
- (2) In section 119 ^{M88}—
- (a) in subsection (1)—
 - (i) in paragraph (b) after “Insolvency (Northern Ireland) Order 1989;” omit “or”; and
 - (ii) at the end of paragraph (c) insert—
 - “; or
 - (d) subsection (1A) is satisfied.”;
 - (b) after subsection (1) insert—
 - “(1A) This subsection is satisfied if—
 - (a) a request has been made for the first opening of collective proceedings—
 - (i) based on the insolvency of the employer, as provided for under the laws, regulations and administrative provisions of a member State; and
 - (ii) involving the partial or total divestment of the employer's assets and the appointment of a liquidator or a person performing a similar task; and
 - (b) the competent authority has—
 - (i) decided to open the proceedings; or
 - (ii) established that the employer's undertaking or business has been definitively closed down and the available assets of the employer are insufficient to warrant the opening of the proceedings.
- (1B) For the purposes of subsection (1A)—

- (a) “liquidator or person performing a similar task” includes the official receiver or an administrator, trustee in bankruptcy, judicial factor, supervisor of a voluntary arrangement, or person performing a similar task;
- (b) “competent authority” includes—
 - (i) a court,
 - (ii) a meeting of creditors,
 - (iii) a creditors' committee,
 - (iv) the creditors by a decision procedure, and
 - (v) an authority of a member State empowered to open insolvency proceedings, to confirm the opening of such proceedings or to take decisions in the course of such proceedings.

(1C) An application under section 120 may only be made in respect of a worker who worked or habitually worked in Northern Ireland in that employment to which the application relates.”.

Commencement Information

I235 Sch. para. 256 in force at 31.1.2019, see reg. 1(2)(c)

Marginal Citations

M87 1993 c. 49.

M88 Section 119 was amended by paragraph 15 of Schedule 10 and Schedule 11 to the [Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255 \(N.I. 1\)\)](#), [paragraph 53](#) of Schedule 2 and Schedule 9 to the [Insolvency \(Northern Ireland\) Order 2005 \(S.I. 2005/1455 \(N.I. 10\)\)](#) and section 41(2) of the [Pensions Act \(Northern Ireland\) 2015 \(c. 5 \(N.I.\)\)](#).

PART 13

Further amendments to the Employment Rights (Northern Ireland) Order 1996 and the Pension Schemes (Northern Ireland) Act 1993

Amendments to the Employment Rights (Northern Ireland) Order 1996

257.—(1) The Employment Rights (Northern Ireland) Order 1996 is amended as follows.

(2) In Article 201 (as amended by paragraph 255(2))—

(a) in paragraph (5)—

- (i) in sub-paragraph (a) for “(6) or (8A)” substitute “ (6), (8ZA) or (8A) ”;
- (ii) in sub-paragraph (b) for “(7) or (8A)” substitute “ (7), (8ZA) or (8A) ”;
- (iii) in sub-paragraph (c) for “(8) or (8A)” substitute “ (8), (8ZA) or (8A) ”;
- (iv) in sub-paragraph (d) for “(8A)” substitute “ (8ZA) or (8A) ”;

(b) after paragraph (8) insert—

“(8ZA) This paragraph is satisfied in the case of an employer if—

- (a) the employer is a legal person,
- (b) a request has been made for the first opening of collective proceedings—

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

- (i) based on the insolvency of the employer, as provided for under the law of any part of the United Kingdom, and
- (ii) involving the partial or total divestment of the employer's assets and the appointment of a liquidator or a person performing a similar task, and
- (c) any of the following has decided to open the proceedings—
 - (i) a court,
 - (ii) a meeting of creditors, or
 - (iii) the creditors by a decision procedure.”;
- (c) in paragraph (8B) for “paragraph (8A)” substitute “ this Article ”.
- (3) In Article 228 (as amended by paragraph 255(3))—
 - (a) in paragraph (1)—
 - (i) in sub-paragraph (a) for “(2) or (4A)” substitute “ (2), (4ZA) or (4A) ”;
 - (ii) in sub-paragraph (b) for “(3) or (4A)” substitute “ (3), (4ZA) or (4A) ”;
 - (iii) in sub-paragraph (c) for “(4) or (4A)” substitute “ (4), (4ZA) or (4A) ”;
 - (iv) in sub-paragraph (d) for “(4A)” substitute “ (4ZA) or (4A) ”;
 - (b) after paragraph (4) insert—
 - “(4ZA) This paragraph is satisfied in the case of an employer if—
 - (a) the employer is a legal person,
 - (b) a request has been made for the first opening of collective proceedings—
 - (i) based on the insolvency of the employer, as provided for under the law of any part of the United Kingdom, and
 - (ii) involving the partial or total divestment of the employer's assets and the appointment of a liquidator or a person performing a similar task, and
 - (c) any of the following has decided to open the proceedings—
 - (i) a court,
 - (ii) a meeting of creditors, or
 - (iii) the creditors by a decision procedure.”;
 - (c) in paragraph (4B) for “paragraph (4A)” substitute “ this Article ”.

Commencement Information

I236 Sch. para. 257 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Amendments to the Pension Schemes (Northern Ireland) Act 1993

- 258.**—(1) The Pension Schemes (Northern Ireland) Act 1993 is amended as follows.
- (2) In section 119 (as amended by paragraph 256(2))—
- (a) in subsection (1)(d) for “(1A)” substitute “ (1ZA) or (1A) ”;
 - (b) after subsection (1) insert—
 - “(1ZA) This subsection is satisfied in the case of an employer if—
 - (a) the employer is a legal person,

- (b) a request has been made for the first opening of collective proceedings—
 - (i) based on the insolvency of the employer, as provided for under the law of any part of the United Kingdom, and
 - (ii) involving the partial or total divestment of the employer's assets and the appointment of a liquidator or a person performing a similar task, and
- (c) any of the following has decided to open the proceedings—
 - (i) a court,
 - (ii) a meeting of creditors, or
 - (iii) the creditors by a decision procedure.”; and
- (c) in subsection (1B) for “subsection (1A)” substitute “ this section ”.

Commencement Information

I237 Sch. para. 258 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(b) to (d)) arising from the withdrawal of the United Kingdom from the European Union. These Regulations make amendments to legislation in the field of cross-border insolvency. These Regulations also contain minor amendments to the Insolvency (Northern Ireland) Order 1989 and to employment legislation in Northern Ireland bringing that legislation into line with EU law. These amendments are made under section 2(2) of the European Communities Act 1972 (c. 21) (“the ECA”) and come into force on the day after these Regulations are made.

The EU Regulation on insolvency proceedings ((EU) 2015/848) (“the EU IR”) determines in which member State main insolvency proceedings may be opened and provides that decisions opening proceedings are to be recognised in other member States. Main proceedings may only be opened in the state where the centre of the debtor's main interests, or COMI, is located. Secondary proceedings may be brought in a state where the debtor has an establishment. The EU IR makes other provisions to facilitate the operation of cross-border insolvency proceedings including for co-operation between courts and insolvency practitioners.

These Regulations address the deficiencies that will arise from the absence of mutual application of the EU IR. It is not appropriate to continue to apply the EU IR unilaterally in respect of EU proceedings when member States will not apply the Regulation to UK proceedings. There is however a saving and transitional provision in regulations 4 and 5 which continues to apply the EU IR, the previous EU insolvency regulation and the associated domestic law where main proceedings have been opened before exit day. The court may decide not to apply these Regulations in the circumstances set out in regulation 5.

Status: Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Part 1 amends the EUIR. It retains the jurisdictional test based on COMI as an additional test of jurisdiction. The restrictions on opening insolvency proceedings where the COMI is in a member State are removed. The majority of the EUIR, which is based on mutual application between member States, is omitted. This Part extends to the whole of the United Kingdom.

Parts 2 and 3 make consequential amendments to the Insolvency Act 1986 (c. 45). These Parts extend to England and Wales and Scotland, with a few exceptions set out in regulation 3(a).

Part 4 amends the Insolvency (England and Wales) Rules 2016. These amendments are consequential on the amendments made to the EUIR by Part 1. These Rules govern the conduct of corporate and personal insolvency proceedings under the Insolvency Act 1986 in England and Wales.

Parts 5 and 6 make further consequential amendments. These include amendments to the Cross-Border Insolvency Regulation 2006 which will apply after exit day to new cross-border proceedings previously within the EUIR. Parts 5 and 6 extend to England and Wales and Scotland.

Part 7 makes consequential amendments to a number of sections of the Insolvency Act 1986 as those sections are in force in Scotland. These sections were amended by the Small Business, Enterprise and Employment Act 2015. Those amendments have been commenced for England and Wales but have not yet been commenced for Scotland. Hence different versions of those sections are in force in England and Wales and in Scotland. Part 7 only applies to Scotland.

Part 8 amends the Insolvency (Scotland) Rules 1986 as they provide for corporate insolvency proceedings in Scotland. These amendments are consequential on the amendments to the EUIR. Part 8 only applies to Scotland.

Part 9 makes amendments to the Insolvency Northern Ireland Order 1989 and the Insolvency Rules (Northern Ireland) 1991 covering both corporate and personal insolvency. These amendments are consequential on the amendments to the EUIR. Paragraph 177 amends the existing law on bankruptcy to provide for jurisdiction where the debtor has an establishment in Northern Ireland. This brings the jurisdictional tests into line with the EUIR. The amendment is made under section 2(2) of the ECA and comes into force the day after the Regulations are made. Part 10 makes a consequential amendment to the Pension Protection Fund (Entry Rules) Regulations (Northern Ireland) 2005 and to the Cross-Border Insolvency Regulations (Northern Ireland) 2007. Parts 9 and 10 only extend to Northern Ireland.

Part 11 makes amendments to the Employment Rights Act 1996 (c. 18) and the Pension Schemes Act 1993 (c. 48). The relevant provisions provide for payment to employees of outstanding sums owed to them in defined circumstances where their employer becomes insolvent. Part 11 applies to England and Wales and Scotland.

Part 12 makes amendments to Articles 201 and 228 of the Employment Rights (Northern Ireland) Order 1996 and section 119 of the Pension Schemes (Northern Ireland) Act 1993 to bring those provisions into line with Directive 2008/94 EC of the European Parliament and the Council on the protection of employees in the event of the insolvency. These provisions provide for payment to employees of certain sums owed to them and unpaid pensions contributions in circumstances where their employer becomes insolvent. These amendments are made under section 2(2) ECA and come into force the day after the Regulations are made. They only extend to Northern Ireland.

Part 13 makes further amendments to Articles 201 and 228 of the Employment Rights (Northern Ireland) Order 1996 and section 119 of the Pension Schemes (Northern Ireland) Act 1993 to ensure those provisions operate effectively after the withdrawal of the United Kingdom from the European Union. These amendments apply to Northern Ireland and are equivalent to those made by Part 11 for England and Wales and Scotland.

In accordance with the Government Better Regulation principles, a proportionate analysis of costs and benefit has been completed. This analysis has found that the overall impact on business will likely be less than £5m per year. An Explanatory Memorandum is also available with these Regulations on www.legislation.gov.uk. Copies have been placed in the Libraries of both Houses of Parliament.

Status:

Point in time view as at 31/12/2020. This version of this Instrument contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019.