

## SCHEDULE

### [<sup>F1</sup>PART 8A

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

**F1** 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).

**Changes to legislation:** *There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, PART8A. (See end of Document for details)*

**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.]

**Changes to legislation:**

There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, PART8A.