

## SCHEDULE

### PART 8

#### Amendments to the Insolvency (Scotland) Rules 1986

**139.** The Insolvency (Scotland) Rules 1986(1) are amended as follows.

**140.** In rule 0.2—

- (a) at the end of the definition of “EU regulation” insert “as it forms part of domestic law on and after exit day”;
- (b) omit the following definitions—
  - (i) “main proceedings”,
  - (ii) “member State liquidator”,
  - (iii) “secondary proceedings”,
  - (iv) “territorial proceedings”;
- (c) in the definition of “centre of main interests” after “interests” insert “(COMI)”;
- (d) 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;”, and

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

**141.** In rule 1.3 in paragraph (2)(p) for “main proceedings or territorial proceedings” substitute “COMI proceedings or establishment proceedings”.

**142.** In rule 1.7(2) in paragraph (2A) for “main proceedings, territorial proceedings or secondary proceedings” substitute “COMI proceedings or establishment proceedings”.

**143.** In rule 1.10 in paragraph (d) for “main proceedings, territorial proceedings or secondary proceedings” substitute “COMI proceedings or establishment proceedings”.

**144.** In rule 1.17 in paragraph (2) in sub-paragraph (ca)(ii) for “main proceedings or territorial proceedings or secondary proceedings” substitute “COMI proceedings or establishment proceedings”.

**145.** In rule 1.28(3) in paragraph (2A) for “main proceedings, territorial proceedings, or secondary proceedings” substitute “COMI proceedings or establishment proceedings”.

**146.** In rule 1.29(4) in paragraph (2)(c) 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”.

**147.** In Part 1 omit rules 1.46 to 1.49 (Chapters 8 and 9).

**148.** In rule 2.2 in paragraph (3) for “main, secondary or territorial proceedings” substitute “COMI proceedings or establishment proceedings”.

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(1) [S.I. 1986/1915](#); relevant amendments were made by S.I.s [2003/2109](#) and [2017/702](#).

(2) Paragraph (2A) was inserted by [S.I. 2017/702](#).

(3) Paragraph (2A) was inserted by [S.I. 2017/702](#).

(4) Paragraph (2)(c) was inserted by [S.I. 2017/702](#).

*Status: This is the original version (as it was originally made).*

- 149.** In rule 2.3(5) omit paragraph (1)(b).
- 150.** In rule 2.25(6) in paragraph (1) in sub-paragraph (q)(ii) for “main, secondary or territorial proceedings” substitute “COMI proceedings or establishment proceedings”.
- 151.** In Part 2 omit rules 2.57 to 2.60 (Chapters 12 and 13).
- 152.** In rule 4.15—
- (a) in paragraph (5) omit sub-paragraph (b) and the “or” preceding it; and
  - (b) omit paragraphs (5B), (5C) and (5D).
- 153.** In rule 4.16C omit paragraphs (3) to (5).
- 154.** In rule 4.67(7) in paragraph (1)(a) omit the words from “including any costs” to “the EU Regulation”.
- 155.** In rule 4.68(8) omit paragraph (11).
- 156.** In rule 4.75A(9) in paragraph (4) omit sub-paragraph (b) and the “or” preceding it.
- 157.** In Part 4 omit rule 4.83 (Chapter 14).
- 158.** In Chapter 15—
- (a) in rule 4.84 for paragraph (2)(e) substitute—
    - “(e) that the company’s centre of main interests is in the United Kingdom or there is an establishment in the United Kingdom and the reasons for so stating.”; and
  - (b) omit rule 4.85.
- 159.** Omit rules 7.20A to 7.20J
- 160.** In rule 7.26 omit paragraph (2A) as inserted by regulation 28(2) of the Insolvency (Scotland) Regulations 2003(10).

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(5) Rule 2.3 was substituted by [S.I. 2003/2111](#).

(6) Rule 2.25 was inserted by [S.I. 2003/2109](#). It was substituted by [2003/2111](#) and sub-paragraph (q)(ii) was amended by [S.I. 2006/734](#).

(7) Paragraph (1)(a) was amended by [S.I. 2017/702](#).

(8) Rule 4.68 was substituted by [S.I. 2014/114](#).

(9) Rule 4.75A was inserted by [S.I. 2014/114](#) and paragraph (4) was amended by [S.I. 2017/702](#).

(10) [S.I. 2003/2109](#). An earlier paragraph (2A) was inserted by [S.I. 1987/1921](#).