

Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings (recast)

CHAPTER I

GENERAL PROVISIONS

Article 4

Examination as to jurisdiction

1 A court seised of a request to open insolvency proceedings shall of its own motion examine whether it has jurisdiction pursuant to [F1Article 1(1A) (a) or (b)]. [F2Where 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.]

2 Notwithstanding paragraph 1, where insolvency proceedings are opened F3... without a decision by a court, F3... the insolvency practitioner appointed in such proceedings [F4must examine the grounds on which there is jurisdiction to open the proceedings under Article 1(1A)].[F5Where 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.]

Textual Amendments

- F1** Words in Art. 4(1) substituted (31.12.2020) by The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 5(2)(a)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 4(1) substituted (31.12.2020) by The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 5(2)(b)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 4(2) omitted (31.12.2020) by virtue of The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 5(3)(a)(i)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 4(2) substituted (31.12.2020) by The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 5(3)(a)(ii)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 4(2) substituted (31.12.2020) by The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 5(3)(b)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

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