

SCHEDULE 1

PART 8

AMENDMENTS TO PART 7 OF THE PRINCIPAL RULES

Amendment to Rule 7.02

94. After paragraph (1)(e) of Rule 7.02 there shall be inserted—

“(f) applications for bankruptcy restrictions orders and interim bankruptcy restrictions orders.”.

Amendment to Rule 7.03

95.—(1) In paragraph (1) of Rule 7.03 omit sub-paragraph (f).

(2) For paragraph (6) there shall be substituted—

“(6) The following rules of the Supreme Court Rules do not apply in insolvency proceedings—

- (a) except as provided by paragraph (7), Order 32, rule 11; and
- (b) Order 32, rule 12”.

(3) After paragraph (6) there shall be inserted—

“(7) In Order 32 of the Supreme Court Rules the exceptions from the powers of a master—

- (a) to hear proceedings under section 7(1)(a) of the Human Rights Act 1998 in respect of a judicial act, as defined in section 9(5) of that Act referred to in paragraph 1(O) of rule 11; and
- (b) to hear proceedings in which there is an issue which may lead to the Court considering whether to make a declaration of incompatibility under section 4 of the Human Rights Act 1998

shall apply to the Master (Bankruptcy) in relation to insolvency proceedings.”.

Amendments to Rule 7.05

96. In Rule 7.05 the words “a petition for” shall be omitted and in (a) there shall be inserted the words “an application for” before “an administration”, in (b) there shall be inserted the words “a petition for” before the words “a winding up” and in (c) there shall be inserted the words “a petition for” before the words “a bankruptcy”.

Insertion of new Rule 7.07A

97. After Rule 7.07 there shall be inserted—

“Application under Article 150A(5) to disapply Article 150A

7.07A.—(1) An application under Article 150A(5) shall be accompanied by an affidavit prepared and sworn by the liquidator, administrator or receiver.

(2) The affidavit shall state—

- (a) the type of insolvency proceedings in which the application arises;

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- (b) a summary of the financial position of the company;
- (c) the information substantiating the applicant’s view that the cost of making a distribution to unsecured creditors would be disproportionate to the benefits; and
- (d) whether any other insolvency practitioner is acting in relation to the company and if so his address.

[E.R. 7.3A]”

Insertion of new Rule 7.08A

98. After Rule 7.08 there shall be inserted—

“Notice of application under Article 150A(5)

7.08A. An application under Article 150A(5) may be made without the application being served upon or notice being given to any other party, save that notice of the application shall be given to any other insolvency practitioner who acts as such in relation to the company including any member State liquidator.

[E.R. 7.4A]”

Amendments to Rule 7.20

99. In Rule 7.20—

- (a) in paragraph (1)(a) for “Article 34” there shall be substituted “paragraph 48 of Schedule B1 to the Order or Article”; and
- (b) in paragraph (2)(a) for “Article 34” there shall be substituted “paragraph 48 of Schedule B1 to the Order”.

Amendment to Rule 7.44

100. At the end of Rule 7.44 (which becomes paragraph (1)) there shall be inserted the following paragraph—

“(2) In respect of a decision under Rule 6.212A(7)(b), an appeal shall be brought within 14 days of the notification of the decision.”.

Amendment to Rule 7.56

101. In Rule 7.56 at the end of paragraph (7) there shall be inserted—

“(8) This Rule shall also apply where a company has moved to a voluntary liquidation in accordance with paragraph 84 of Schedule B1 to the Order.”.