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DRAFT STATUTORY INSTRUMENTS

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**2018 No.**

**EXITING THE EUROPEAN UNION  
INSOLVENCY**

**The Insolvency (Amendment) (EU Exit) Regulations 2018**

*Made - - - - - \*\*\*  
Coming into force in accordance with  
regulation 1(2) and (3)*

**THE INSOLVENCY (AMENDMENT)  
(EU EXIT) REGULATIONS 2018**

1. Citation and commencement
2. Amendments
3. Extent and application
4. Temporal application and savings
5. (1) Paragraph (2) applies where in any particular case Council...  
Signature

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SCHEDULE —

PART 1 — Amendment of retained direct EU legislation

1. Amendments to the EU Insolvency Regulation
2. (1) Article 1 is amended as follows.
3. In Article 2— (a) insert the following paragraph—
4. (1) Article 3 is amended as follows.
5. (1) Article 4 is amended as follows.
6. (1) Article 5 is amended as follows.
7. Omit Articles 6 to 24 and 26 to 83.
8. In Article 84 omit— (a) the second sentence of paragraph...
9. In Article 85— (a) omit paragraphs 1 and 2;
10. Omit Articles 86 to 90.
11. In Article 91 omit the second sentence.
12. In Article 92 omit point (c).
13. Omit the sentence immediately following Article 92 which begins “This...
14. Omit Annex A.
15. In Annex B omit all the entries other than those...

PART 2 — Amendments to the Insolvency Act 1986

16. The Insolvency Act 1986 is amended as follows.
17. In section 1 in subsection (4)— (a) in paragraph (b)...
18. In section 106 omit subsections (4A) and (4B).
19. In section 117 omit subsection (7).
20. In section 120 omit subsection (6).
21. In section 124 in subsection (1) omit the words from...
22. In section 146 omit subsections (6) and (7).
23. Omit section 146A.
24. (1) Section 201 is amended as follows.
25. (1) Section 202 is amended as follows.
26. (1) Section 205 is amended as follows.
27. In section 225 omit subsection (2).
28. In section 240 in subsection (3)(d) omit the words from...
29. In section 247 in subsection (3) omit paragraph (b) and...
30. In section 251 omit the definitions of “EU insolvency proceedings”...
31. (1) Section 263I is amended as follows.
32. In section 264 in subsection (1) omit paragraphs (ba) and...
33. (1) Section 265 is amended as follows.
34. In section 330 omit subsection (6).
35. In section 387 in subsection (3)— (a) omit paragraphs (aa)...
36. In section 388 omit subsection (6).
37. In section 411 in subsection (2B) for the words from...
38. In section 412 in subsection (2B) for the words from...
39. In section 420 in subsection (1B) for the words from...
40. In section 421 in subsection (1B) for the words from...
41. After section 422 insert— Meaning of “relevant offence” In this Part “relevant offence” means a criminal offence punishable...
42. In section 436 in the definition of “the EU Regulation”...
43. Omit section 436A.
44. In Schedule B1— (a) in paragraph 84—  
PART 3 — Administration under old Part 2 of the Insolvency Act 1986
45. (1) Part 2 of the Insolvency Act 1986 as it...  
PART 4 — Amendments to the Insolvency (England and Wales) Rules 2016
46. The Insolvency (England and Wales) Rules 2016 are amended as...
47. In rule 1.2(2)— (a) omit the following definitions—
48. (1) Rule 1.7 is amended as follows.
49. In rule 1.20 delete paragraph (1)(o).
50. In rule 2.3 in paragraph (1) for sub-paragraph (q) substitute—...
51. In rule 2.14 in paragraph (2A) for “main, secondary, territorial...
52. In rule 2.25 in paragraph (2A) for “main, secondary, territorial...
53. In rule 2.38 in paragraph (2) in sub-paragraph (d) for...
54. In rule 3.3 in paragraph (2) in sub-paragraph (h) for...
55. In rule 3.6 in paragraph (3) in sub-paragraph (f) for...
56. In rule 3.8 omit paragraph (3)(c).
57. In rule 3.10 in sub-paragraph (b) omit “(including the United...
58. In rule 3.12 omit paragraph (1)(g).
59. In rule 3.13 in paragraph (1)— (a) in sub-paragraph (h)...
60. In rule 3.16 in paragraph (2) in sub-paragraph (k) for...
61. In rule 3.17 in paragraph (1) in sub-paragraph (k) for...
62. In rule 3.21 in paragraph (1) in sub-paragraph (i) for...
63. In rule 3.23 in paragraph (1) in sub-paragraph (i) for...
64. In rule 3.24 in paragraph (1) in sub-paragraph (h) for...
65. In rule 3.25 in paragraph (2) in sub-paragraph (i) for...

66. In rule 3.35 in paragraph (1) in sub-paragraph (m) for...
67. In rule 3.51 in paragraph (2) in sub-paragraph (g) omit...
68. In rule 3.63 in paragraph (4) omit sub-paragraph (d).
69. In rule 3.68 in paragraph (2) omit sub-paragraph (g).
70. In rule 6.42 in paragraph (4)(f) omit “costs referred to...
71. In rule 7.5 in paragraph (1) in sub-paragraph (n) for...
72. In rule 7.6 in paragraph (8) for “main, secondary, territorial...
73. In rule 7.9 in paragraph (3)— (a) insert after sub-paragraph...
74. In rule 7.17 omit paragraph (2)(b) and the “or” preceding...
75. In rule 7.18 in sub-paragraph (c) —
76. In rule 7.20 in paragraph (1) in sub-paragraph (g) for...
77. In rule 7.26 in paragraph (1) in sub-paragraph (n) for...
78. In rule 7.28 in paragraph (6) for “main, secondary, territorial...
79. In rule 7.29 omit paragraph (6).
80. In rule 7.32 in paragraph (1) sub-paragraph (h) for “main,...
81. In rule 7.33— (a) after paragraph (1)(f) insert “or”;
82. In rule 7.35 in paragraph (1) in sub-paragraph (e)(ii) for...
83. In rule 7.108 in paragraph (4) in sub-paragraph (m) omit...
84. In rule 8.3 in paragraph (q) for “main, territorial or...
85. In rule 8.19 in paragraph (1A) for “main, secondary, territorial...
86. In rule 10.7 in paragraph (1) for sub-paragraph (d) substitute—...
87. In rule 10.8 in paragraph (1) in sub-paragraph (g) for...
88. In rule 10.12 in paragraph (4)— (a) at the end...
89. In rule 10.14 omit paragraph (3).
90. In rule 10.19— (a) in paragraph (1) omit the words...
91. In rule 10.29— (a) in paragraph (2) in sub-paragraph (a)...
92. In rule 10.31 in paragraph (1) for sub-paragraph (e)(i) substitute—...
93. In rule 10.41 in paragraph (2) for sub-paragraph (d)(i) substitute—...
94. In rule 10.49— (a) in paragraph (1)—
95. In rule 10.51 in paragraph (1) in sub-paragraph (e)(ii) for...
96. In rule 10.149 in sub-paragraph (n) omit the words “costs...
97. In rule 12.15 in paragraph (2) omit “including any member...
98. In rule 14.16 omit paragraph (3).
99. In rule 14.32 omit paragraph (4).
100. In rule 15.11 in the table in paragraph (1) omit...
101. In rule 15.28 in paragraph (3) omit sub-paragraph (b) and...
102. Omit rule 15.30.
103. In rule 15.31— (a) in paragraph (7) omit the words...
104. Omit rules 21.1 to 21.3.
105. In rule 21.4 for paragraph (3)(e) substitute—
106. Omit rules 21.6 to 21.17.
107. In Schedule 4 in the table of requirements for service...  
PART 5 — Other amendments: England and Wales
108. The Administration of Insolvent Estates of Deceased Persons Order 1986
109. The Land Registration Rules 2003
110. The Civil Proceedings Fees Order 2008  
PART 6 — Other amendments: England, Wales and Scotland
111. The Pension Protection Fund (Entry Rules) Regulations 2005
112. The Cross-Border Insolvency Regulations 2006
113. Schedule 1 is amended as follows.
114. In article 1 in paragraph 3(b) omit “, other than...
115. In article 2— (a) in paragraph (a)(i)—
116. Omit article 3.

117. In article 16— (a) after paragraph 2 insert— Where the EU Insolvency Regulation applies the centre of the...
118. Schedule 2 is amended as follows.
119. In paragraph 1 in sub-paragraph (1) omit the definitions of...
120. In paragraph 4 omit sub-paragraph (2).
121. In paragraph 6 omit sub-paragraph (2)(b) and the “and” preceding...
122. In paragraph 21 omit sub-paragraph (2)(e).
123. In paragraph 25 omit sub-paragraph (1)(e).
124. In paragraph 26 omit sub-paragraph (3)(c).
125. In paragraph 46 omit sub-paragraph (1)(f).
126. Schedule 3 is amended as follows.
127. In paragraph 1 in sub-paragraph (1) omit the definitions of...
128. In paragraph 6 omit sub-paragraph (1)(e).
129. In paragraph 7 omit sub-paragraph (3)(c).
130. In paragraph 9 omit sub-paragraph (1)(f).
131. Schedule 5 is amended as follows.
132. In Form ML6 omit paragraph 5 (statement of service on...  
PART 7 — Amendments to the Insolvency Act 1986 applying to Scotland only
133. The Insolvency Act 1986 is amended as follows.
134. In section 106 omit subsections (7) and (8).
135. In section 172 omit subsections (9) and (10).
136. In section 201— (a) in subsection (2) omit “and any...
137. In section 204 omit subsections (4A) to (4E).
138. In section 205— (a) in subsection (2) for the words...  
PART 8 — Amendments to the Insolvency (Scotland) Rules 1986
139. The Insolvency (Scotland) Rules 1986 are amended as follows.
140. In rule 0.2— (a) at the end of the definition...
141. In rule 1.3 in paragraph (2)(p) for “main proceedings or...
142. In rule 1.7 in paragraph (2A) for “main proceedings, territorial...
143. In rule 1.10 in paragraph (d) for “main proceedings, territorial...
144. In rule 1.17 in paragraph (2) in sub-paragraph (ca)(ii) for...
145. In rule 1.28 in paragraph (2A) for “main proceedings, territorial...
146. In rule 1.29 in paragraph (2)(c) for “main, secondary, territorial...
147. In Part 1 omit rules 1.46 to 1.49 (Chapters 8...
148. In rule 2.2 in paragraph (3) for “main, secondary or...
149. In rule 2.3 omit paragraph (1)(b).
150. In rule 2.25 in paragraph (1) in sub-paragraph (q)(ii) for...
151. In Part 2 omit rules 2.57 to 2.60 (Chapters 12...
152. In rule 4.15— (a) in paragraph (5) omit sub-paragraph (b)...
153. In rule 4.16C omit paragraphs (3) to (5).
154. In rule 4.67 in paragraph (1)(a) omit the words from...
155. In rule 4.68 omit paragraph (11).
156. In rule 4.75A in paragraph (4) omit sub-paragraph (b) and...
157. In Part 4 omit rule 4.83 (Chapter 14).
158. In Chapter 15— (a) in rule 4.84 for paragraph (2)(e)...
159. Omit rules 7.20A to 7.20J
160. In rule 7.26 omit paragraph (2A) as inserted by regulation...  
PART 9 — Amendments to the Insolvency (Northern Ireland) Order 1989 and the Insolvency Rules (Northern Ireland) 1991
161. Amendments to the Insolvency (Northern Ireland) Order 1989
162. In Article 2(2) in the definition of “the EU Regulation”...
163. In Article 2(2) omit the definitions of “EU insolvency proceedings”...
164. Omit Article 2A.

165. In Article 3 omit paragraph (6).
166. In Article 6 in paragraph (3) omit sub-paragraph (b) and...
167. In Article 14 in paragraph (4)— (a) in sub-paragraph (b)...
168. In Article 80 omit paragraphs (3A) and (3B).
169. In Article 104 in paragraph (1) omit the words from...
170. In Article 124 omit paragraphs (6) and (7).
171. Omit Article 124A.
172. (1) Article 166 is amended as follows.
173. (1) Article 167 is amended as follows.
174. (1) Article 169 is amended as follows.
175. In Article 204 in paragraph (3)(d) omit the words from...
176. In Article 238 in paragraph (1) omit sub-paragraphs (ba) and...
177. For Article 239 substitute— Conditions to be satisfied in respect...
178. (1) Article 239 (as substituted by paragraph 177) is amended...
179. In Article 303 omit paragraph (6).
180. In Article 347 in paragraph (3)— (a) omit sub-paragraphs (aa)...
181. In Article 359 in paragraph (2B) for the words from...
182. In Article 364 in paragraph (1B) for the words from...
183. In Article 365 in paragraph (1B) for the words from...
184. After Article 366 insert— Meaning of “relevant offence” In Articles 359(2B), 364(1B) and 365(1B), a “relevant offence” is...
185. In Schedule B1— (a) in paragraph 1—
186. Amendments to the Insolvency Rules (Northern Ireland) 1991
187. In Rule 0.2 (Interpretation)— (a) omit the following definitions—
188. In Rule 1.03 in paragraph (2) for sub-paragraph (q) substitute—...
189. In Rule 1.09 in paragraph (1A) for the words “main,...
190. In Rule 1.24 in paragraph (2)(ca) for the words “whether...
191. Omit Rules 1.31 to 1.33 (Chapter 7).
192. Omit Rule 1.34 (Chapter 8).
193. In Rule 1.39 in paragraph (2)(c) for the words “main,...
194. In Rule 2.001 in paragraph (d) omit the reference to...
195. In Rule 2.004 in paragraph (4) for the words from...
196. In Rule 2.006 omit paragraph (3)(c).
197. In Rule 2.012 omit paragraph (1)(g).
198. In Rule 2.034 for paragraph (2)(p)(ii) substitute—
199. In Rule 2.039 omit— (a) paragraph (1)(a)(ii) and the “or”...
200. In Rule 2.068 in paragraph (1)(f) omit the words “costs...
201. In Rule 2.096 omit paragraph (2)(a)(ii) and the “and” preceding...
202. In Rule 2.097 omit paragraph (4).
203. In Rule 2.099 in paragraph (1) omit the words from...
204. In Rule 2.121 omit paragraph (2).
205. Omit Rules 2.131 to 2.133 (Chapter 14).
206. Omit Rules 2.134 to 2.143 (Chapter 15).
207. In Rule 4.007 omit paragraph (4)(ea).
208. In Rule 4.010 omit paragraph (3A).
209. In Rule 4.012— (a) in paragraph (8) omit the words...
210. In Rule 4.024 omit paragraph (6).
211. In Rule 4.027 omit paragraph (1)(g).
212. In Rule 4.073— (a) omit paragraph (1)(a)(ii) and the “or”...
213. In Rule 4.228 in paragraph (3) sub-paragraph (m) omit the...
214. In Rule 5.04 in paragraph (2)(r) for the words “main...
215. Omit Rules 5.61 to 5.64 (Chapter 13).
216. In Rule 6.007 in paragraph (1) in sub-paragraph (f) for...

- 217. In Rule 6.013 omit paragraph (5).
- 218. In Rule 6.027 in paragraph (2)(c) omit the wording in...
- 219. In Rule 6.049— (a) in paragraph (1)(d) omit “or” at...
- 220. In Rule 6.090 omit paragraphs (8) to (10).
- 221. In Rule 6.113 omit paragraph (3).
- 222. In Rule 6.222 in paragraph (1) sub-paragraph (m) omit the...
- 223. Omit Rules 6.231 and 6.232 (Chapter 26).
- 224. In Rule 7.08A omit “including any member State liquidator”.
- 225. In Rule 7.56 in paragraph (2) for the words in...
- 226. Omit Rule 7.57.
- 227. Omit Rule 7.58 (Chapter 11).
- 228. Omit Rule 8.8.
- 229. In Rule 11.01 omit paragraph (3).
- 230. In Rule 11.02 omit paragraph (1)(b) and the “and” preceding...
- 231. In Rule 11.03 omit paragraph (4).
- 232. In Rule 11.06 omit paragraph (1)(b) and the “and” preceding...
- 233. In Rule 12.13 omit paragraph (5).
- 234. In Rule 12.19 omit paragraph (3A).
- PART 10 — Other amendments: Northern Ireland
- 235. The Pension Protection Fund (Entry Rules) Regulations (Northern Ireland) 2005
- 236. The Cross-Border Insolvency Regulations (Northern Ireland) 2007
- 237. Schedule 1 is amended as follows.
- 238. In article 1 in paragraph 3(b) omit “, other than...
- 239. In article 2— (a) in sub-paragraph (b) at the end...
- 240. Omit article 3.
- 241. In article 16— (a) after paragraph 2 insert— Where the EU Insolvency Regulation applies the centre of the...
- 242. Schedule 2 is amended as follows.
- 243. In paragraph 1 in sub-paragraph (1) omit the definitions of...
- 244. In paragraph 4 omit sub-paragraph (2).
- 245. In paragraph 6 omit sub-paragraph (2)(b) and the “and” preceding...
- 246. In paragraph 21 omit sub-paragraph (2)(e).
- 247. In paragraph 25 omit sub-paragraph (1)(e).
- 248. In paragraph 26 omit sub-paragraph (3)(c).
- 249. In paragraph 44 omit sub-paragraph (1)(f).
- 250. Omit paragraph 53.
- 251. Schedule 4 is amended as follows.
- 252. In Form ML6 omit paragraph 5 (statement of service on...
  - PART 11 — Amendments to the Employment Rights Act 1996 and the Pension Schemes Act 1993
- 253. Amendments to the Employment Rights Act 1996
- 254. Amendments to the Pension Schemes Act 1993
  - PART 12 — Amendments to the Employment Rights (Northern Ireland) Order 1996 and the Pension Schemes (Northern Ireland) Act 1993
- 255. Amendments to the Employment Rights (Northern Ireland) Order 1996
- 256. Amendments to the Pension Schemes (Northern Ireland) Act 1993
  - PART 13

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

- 257. Amendments to the Employment Rights (Northern Ireland) Order 1996
- 258. Amendments to the Pension Schemes (Northern Ireland) Act 1993

Explanatory Note