
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Administration of Insolvent Estates of Deceased Persons Order 1986 ([S.I. 1986/1999](#)) (“the 1986 Order”) in the light of Council Regulation ([EC](#)) No. 1346/2000 of 29th May 2000 on insolvency proceedings (“the EC Regulation”) which comes into force on 31st May 2002.

The EC Regulation aims to provide for the efficient and effective functioning of cross-border insolvency proceedings in the European Union. Information concerning the EC Regulation is provided in Guidance Notes issued by the Insolvency Service which may be found, together with the text of the EC Regulation, on the Insolvency Service website, the address of which is www.insolvency.gov.uk.

The amendments made by this Order are—

- to specify which form a liquidator (within the meaning of Article 2(b) of the EC Regulation) appointed in proceedings by virtue of Article 3(1) of the EC Regulation or a temporary administrator (within the meaning of Article 38 of the EC Regulation) must use to petition for an insolvency administration order (“temporary administrator” and “main proceedings” are defined in the EC Regulation);
- to require that, where such a liquidator has been appointed, a petition will need to be served on him;
- to provide expressly that modified section 330 of the Insolvency Act 1986 is subject to Article 35 of the EC Regulation;
- to substitute the forms in the 1986 Order with forms which require consideration of whether the EC Regulation applies to the proceedings in question.