
STATUTORY INSTRUMENTS

2003 No. 1730

The Insolvency (Amendment) Rules 2003

Citation and commencement

1.—(1) These Rules may be cited as the Insolvency (Amendment) Rules 2003.

(2) This Rule and Rules 2, 3, 4 (and Part 1 of Schedule 1), 5 (and Part 2 of Schedule 1), 6 (and Part 3 of Schedule 1), 7 (and Part 4 of Schedule 1), 11 (and Part 8 of Schedule 1, save for the amendment to Rule 7.50), 12 (and Part 9 of Schedule 1), 13 (and paragraphs 65 and 66 of Part 10 of Schedule 1), 14(1)(a), 14(1)(b), 14(1)(e), 14(2)(a) (and Part A of Schedule 2), 14(2)(b) (and Part B of Schedule 2 to the extent only of Form 12.1), 14(2)(c)(i) (and Part C of Schedule 2 to the extent only of those Forms identified in Rule 14(2)(c)(i)), 14(3) and 15 shall come into force on 15th September 2003.

(3) The remainder of these Rules and Parts of Schedules shall come into force on 1st April 2004.

Interpretation

2.—(1) In these Rules references to the “principal Rules” are to the Insolvency Rules 1986(1) and a Rule referred to by number alone means the Rule so numbered in the principal Rules.

(2) These Rules shall be construed as one with the principal Rules.

(3) References in these Rules to “the first commencement date” are to the date referred to in paragraph (2) of Rule 1 and to “the second commencement date” are to the date referred to in paragraph (3) of Rule 1.

(4) A reference to a “pre-commencement bankruptcy” is a reference to a bankruptcy where the bankruptcy order was made before the second commencement date and the bankrupt does not receive his discharge before that date.

Amendment to Introductory Provisions

3. For paragraph (2) of Rule 0.3 there is substituted—

“(2) Rule 3.1 applies to all receivers to whom Part III of the Act applies, Rule 3.39 and 3.40 apply to all receivers who are not administrative receivers, and the remainder of Part 3 of the Rules applies to administrative receivers appointed otherwise than under section 51 (Scottish Receivership).”.

Amendments to Part 1 of the principal Rules

4. Part 1 of the principal Rules has effect subject to the amendments set out in Part 1 of Schedule 1 to these Rules.

Amendments to Part 2 of the principal Rules

5.—(1) Subject to paragraphs (2), (3) and (4), for Part 2 of the principal Rules there are substituted the provisions set out in Part 2 of Schedule 1 to these Rules.

(1) S.I. 1986/1925, amended by S.I. 1987/1919, 1989/397, 1991/495, 1993/602, 1995/586, 1999/359, 1999/1022, 2001/763, 2002/1307 and 2002/2712.

(2) The provisions of Part 2 of Schedule 1 to these Rules shall not apply and Part 2 of the principal Rules as it stood before the coming into force of these Rules shall continue to apply, where a petition for an administration order has been presented to the court before the first commencement date.

(3) The former Rules shall continue to apply (with or without modification made by or under any enactment) where a provision made by or under any enactment preserves the continuing operation (with or without modification) after the first commencement date of old Part II of the Act and in such a case the provisions of Part 2 of Schedule 1 to these Rules shall not apply.

(4) In paragraph (3) “the former Rules” means the Insolvency Rules 1986 without the amendments made by these Rules and “old Part II” means Part II of the Act without the amendments made by the Enterprise Act 2002(2).

Amendments to Part 3 of the principal Rules

6. Part 3 of the principal Rules has effect subject to the amendments set out in Part 3 of Schedule 1 to these Rules.

Amendments to Part 4 of the principal Rules

7. Part 4 of the principal Rules has effect subject to the amendments set out in Part 4 of Schedule 1 to these Rules.

Amendments to Part 5 of the principal Rules

8. Part 5 of the principal Rules has effect subject to the amendments set out in Part 5 of Schedule 1 to these Rules.

Amendments to Part 6 of the principal Rules

9.—(1) Subject to paragraphs (2) and (3), Part 6 of the principal Rules has effect subject to the amendments set out in Part 6 of Schedule 1 to these Rules.

(2) Rule 6.50 of the principal Rules shall continue to have effect and the amendment to Rule 6.50 in paragraph 34 of Part 6 of Schedule 1 to these Rules shall not have effect in relation to a pre-commencement bankruptcy where a certificate of summary administration has been issued under section 275.

(3) In relation to a pre-commencement bankruptcy—

- (a) Rule 6.212A shall continue to have effect;
- (b) Rules 6.213 and 6.214 of the principal Rules shall continue to have effect without the amendments made by paragraphs 44 and 45 of Part 6 of Schedule 1 to these Rules;
- (c) Rule 6.214A as inserted by paragraph 46 of Part 6 of Schedule 1 to these Rules shall not apply.

(4) Rules 6.215 and 6.216 as set out in paragraphs 47 and 48 of Part 6 of Schedule 1 to these Rules shall have effect in relation to pre-commencement bankruptcies in the same way as they apply to post-commencement bankruptcies.

New Part 6A of the principal Rules

10. After Rule 6.251 of the principal Rules there is inserted the provisions set out in Part 7 of Schedule 1 to these Rules.

Amendments to Part 7 of the principal Rules

11. Part 7 of the principal Rules has effect subject to the amendments set out in Part 8 of Schedule 1 to these Rules.

Amendments to Part 12 of the principal Rules

12. Part 12 of the principal Rules has effect subject to the amendments set out in Part 9 of Schedule 1 to these Rules.

Amendments to Part 13 of the principal Rules

13. Part 13 of the principal Rules has effect subject to the amendments set out in Part 10 of Schedule 1 to these Rules.

Amendments to Schedule 4 to the principal Rules

14.—(1) In the index to forms in Schedule 4 to the principal Rules—

(a) for the entries (including the form number) set out under the heading “Part 2: ADMINISTRATION PROCEDURE” there are substituted the following entries—

“2.1B. Administration application

2.2B. Statement of proposed administrator

2.3B. Affidavit of service of administration application

2.4B. Administration order

2.5B. Notice of intention to appoint an administrator by holder of qualifying floating charge

2.6B. Notice of appointment of an administrator by holder of qualifying floating charge

2.7B. Notice of appointment of an administrator by holder of qualifying floating charge (For use in pursuance of Rule 2.19 of the Insolvency Rules 1986)

2.8B. Notice of intention to appoint an administrator by company or director(s)

2.9B. Notice of appointment of an administrator by company or director(s) (where a notice of intention to appoint has been issued)

2.10B. Notice of appointment of an administrator by company or director(s) (where a notice of intention to appoint has not been issued)

2.11B. Notification of appointment of administrator (for newspaper and London Gazette)

2.12B. Notice of administrator’s appointment

2.13B. Notice requiring submission of a statement of affairs

2.14B. Statement of affairs

2.15B. Statement of concurrence

2.16B. Notice of statement of affairs

2.17B. Statement of administrator’s proposals

2.18B. Notice of extension of time period

2.19B. Notice to attend meeting of creditors

- 2.20B.** Notice of a meeting of creditors
 - 2.21B.** Creditor’s request for a meeting
 - 2.22B.** Statement of administrator’s revised proposals
 - 2.23B.** Notice of result of meeting of creditors
 - 2.24B.** Administrator’s progress report
 - 2.25B.** Notice of conduct of business by correspondence
 - 2.26B.** [Amended] Certificate of constitution of creditors' committee
 - 2.27B.** Notice by administrator of a change in committee membership
 - 2.28B.** Notice of order to deal with charged property
 - 2.29B.** Affidavit of debt
 - 2.30B.** Notice of automatic end of administration
 - 2.31B.** Notice of extension of period of administration
 - 2.32B.** Notice of end of administration
 - 2.33B.** Notice of court order ending administration
 - 2.34B.** Notice of move from administration to creditors' voluntary liquidation
 - 2.35B.** Notice of move from administration to dissolution
 - 2.36B.** Notice to registrar of companies in respect of date of dissolution
 - 2.37B.** Notice of intention to resign as administrator
 - 2.38B.** Notice of resignation by administrator
 - 2.39B.** Notice of vacation of office by administrator
 - 2.40B.** Notice of appointment of replacement/additional administrator”;
- (b) for the entry relating to Form 4.12 there is substituted “Order for Winding Up by the Court following upon the cessation of the appointment of an administrator”;
- (c) after the entry for Form 5.5 there are inserted the following form numbers and titles—
- “**5.6.** Voting form in relation to a proposal for a voluntary arrangement under section 263A of the Insolvency Act 1986
 - 5.7.** Order of annulment under section 261 of the Insolvency Act 1986
 - 5.8.** Order of annulment under section 263D of the Insolvency Act 1986”;
- (d) after the entry for Form 6.80 there are inserted the following form numbers and titles—
- “**6.81.** Variation of income payments agreement under section 310A of the Insolvency Act 1986
 - 6.82.** Notice under section 279(2) of the Insolvency Act 1986
 - 6.83.** Notice to interested parties of a dwelling-house falling within section 283A of the Insolvency Act 1986
 - 6.84.** Certificate issued pursuant to Rule 6.237B(1) of the Insolvency Rules 1986”;
- (e) after the entries relating to Part 9 there shall be inserted the following heading and entry—

“PART 12:

MISCELLANEOUS AND GENERAL

12.1. Notice to the Registrar of Companies in respect of order under section 176A”.

- (2) Subject to paragraphs (3) and (4), in Schedule 4 to the principal Rules—
- (a) for Forms 2.1 to 2.23 there are substituted the Forms 2.1B to 2.40B as set out in Part A of Schedule 2 to these Rules;
 - (b) the Forms set out in Part B of Schedule 2 to these Rules are inserted as Forms 5.6, 5.7, 5.8, 6.81, 6.82, 6.83, 6.84 and 12.1;
 - (c) for Forms—
 - (i) 3.2, 4.12, 4.17, 4.18, 4.19, 4.52, 5.2, 6.1, 6.2, 6.3 and 6.25; and
 - (ii) 5.4, 6.30, 6.72, 6.73 and 6.79Athere are substituted the forms so numbered as set out in Part C of Schedule 2 to these Rules; and
 - (d) Form 6.31 is omitted.

(3) In any case to which paragraphs (2), (3) or (4) of Rule 5 of these Rules applies, paragraph (2) (a) and paragraph (2)(c)(i) (but only insofar as it relates to Form 4.12) of this Rule shall not apply and the forms prescribed for use by the principal Rules as they stood before the coming into force of these Rules shall continue to be used.

(4) In any case to which Rule 9(2) of these Rules applies, paragraph (2)(d) of this Rule shall not apply and the forms prescribed for use by the principal Rules as they stood before the coming into force of these Rules shall continue to be used.

Amendments to Schedule 5 to the principal Rules

- 15.**—(1) In Schedule 5 to the principal Rules—
- (a) for the entry in column 1 relating to “Rule 2.52(4)” there is substituted “Rule 2.47(6)”;
 - (b) after that entry there are inserted the following entries—
 - “Rule 2.111(3): Administrator failing to file a notice of automatic end of administration; summary; one-fifth of the statutory maximum; one-fiftieth of the statutory maximum”;
 - “Rule 2.129(2): Administrator’s duties on vacating office; summary; one-fifth of the statutory maximum; one-fiftieth of the statutory maximum”.

(2) The provisions of this Rule shall not apply and Schedule 5 to the principal Rules as it stood before the coming into force of these Rules shall continue to apply in any case to which paragraphs (2), (3) or (4) of Rule 5 of these Rules applies.

30th July 2003

Falconer of Thoroton C.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

I concur, on behalf of the Secretary of State,

8th August 2003

Nigel Griffiths,
Parliamentary Under-Secretary of State for
Small Business and Enterprise,
Department of Trade and Industry