

## SCHEDULE 1

### UNCITRAL MODEL LAW ON CROSS-BORDER INSOLVENCY

## CHAPTER II

### ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO COURTS IN GREAT BRITAIN

#### *Article 9. Right of direct access*

A foreign representative is entitled to apply directly to a court in Great Britain.

#### *Article 10. Limited jurisdiction*

The sole fact that an application pursuant to this Law is made to a court in Great Britain by a foreign representative does not subject the foreign representative or the foreign assets and affairs of the debtor to the jurisdiction of the courts of Great Britain or any part of it for any purpose other than the application.

#### *Article 11. Application by a foreign representative to commence a proceeding under British insolvency law*

A foreign representative appointed in a foreign main proceeding or foreign non-main proceeding is entitled to apply to commence a proceeding under British insolvency law if the conditions for commencing such a proceeding are otherwise met.

#### *Article 12. Participation of a foreign representative in a proceeding under British insolvency law*

Upon recognition of a foreign proceeding, the foreign representative is entitled to participate in a proceeding regarding the debtor under British insolvency law.

#### *Article 13. Access of foreign creditors to a proceeding under British insolvency law*

**1.** Subject to paragraph 2 of this article, foreign creditors have the same rights regarding the commencement of, and participation in, a proceeding under British insolvency law as creditors in Great Britain.

**2.** Paragraph 1 of this article does not affect the ranking of claims in a proceeding under British insolvency law, except that the claim of a foreign creditor shall not be given a lower priority than that of general unsecured claims solely because the holder of such a claim is a foreign creditor.

**3.** A claim may not be challenged solely on the grounds that it is a claim by a foreign tax or social security authority but such a claim may be challenged—

- (a) on the ground that it is in whole or in part a penalty, or
- (b) on any other ground that a claim might be rejected in a proceeding under British insolvency law.

*Article 14. Notification to foreign creditors of a proceeding under British insolvency law*

1. Whenever under British insolvency law notification is to be given to creditors in Great Britain, such notification shall also be given to the known creditors that do not have addresses in Great Britain. The court may order that appropriate steps be taken with a view to notifying any creditor whose address is not yet known.
2. Such notification shall be made to the foreign creditors individually, unless—
  - (a) the court considers that under the circumstances some other form of notification would be more appropriate; or
  - (b) the notification to creditors in Great Britain is to be by advertisement only, in which case the notification to the known foreign creditors may be by advertisement in such foreign newspapers as the British insolvency officeholder considers most appropriate for ensuring that the content of the notification comes to the notice of the known foreign creditors.
3. When notification of a right to file a claim is to be given to foreign creditors, the notification shall—
  - (a) indicate a reasonable time period for filing claims and specify the place for their filing;
  - (b) indicate whether secured creditors need to file their secured claims; and
  - (c) contain any other information required to be included in such a notification to creditors pursuant to the law of Great Britain and the orders of the court.
4. In this article “the court” means the court which has jurisdiction in relation to the particular proceeding under British insolvency law under which notification is to be given to creditors.

**Changes to legislation:**

There are currently no known outstanding effects for the The Cross-Border Insolvency Regulations 2006, CHAPTER II.