

SCHEDULE 5

Schedule 2, paragraph 73 and Schedule 3, paragraph 15

FORMS

Schedule 2, Paragraph 2

Form ML 1

The Cross-Border Insolvency Regulations 2006

Recognition application

Name of Debtor	Company number <i>where applicable</i>
In the [full name of court]	<i>For court use only</i> Court case number

- (a) Insert full name(s) of applicant(s) 1. The application of(a) _____

- being the foreign representative(s) appointed in relation to the above named debtor in a foreign proceeding, in reliance on article 15 of the UNCITRAL Model Law on cross-border insolvency as set out in Schedule 1 to the Cross-Border Insolvency Regulations 2006 ("the Model Law").
- (b) Insert full name of the debtor 2. The application is in respect of a foreign proceeding in relation to(b) _____

- ("the debtor") [[lately] carrying on business in(c) _____

- (c) Insert name of country where the foreign proceeding the subject of the application is taking place
- (d) Insert any trading name of the debtor if different from the full name given above and any former trading names in respect of any business in respect of which the debtor may have incurred debts or other liabilities still unsatisfied as(d) _____
_____]
- (e) Insert any trading name of the debtor in Great Britain if different from the full name given above and any former trading names in respect of any business in Great Britain in respect of which the debtor may have incurred debts or other liabilities still unsatisfied [and [lately] carrying on business in Great Britain as(e) _____
_____].
- (f) Delete any statements in paragraph 3 which do not apply and insert full address details, where applicable
3. (f)[The debtor's principal/last known* place of business in Great Britain is _____
_____]
- * Delete as applicable

Status: This is the original version (as it was originally made).

Schedule 2,
Paragraph 2

Form ML 1

The Cross-Border Insolvency Regulations 2006

Recognition application

Name of Debtor	Company number <i>where applicable</i>
In the [full name of court]	<i>For court use only</i> Court case number

(a) Insert full name(s) of applicant(s) 1. The application of (a) _____

being the foreign representative(s) appointed in relation to the above named debtor in a foreign proceeding, in reliance on article 15 of the UNCITRAL Model Law on cross-border insolvency as set out in Schedule 1 to the Cross-Border Insolvency Regulations 2006 ("the Model Law").

(b) Insert full name of the debtor 2. The application is in respect of a foreign proceeding in relation to (b) _____

(c) Insert name of country where the foreign proceeding the subject of the application is taking place ("the debtor") [[lately] carrying on business in (c) _____

(d) Insert any trading name of the debtor if different from the full name given above and any former trading names in respect of any business in respect of which the debtor may have incurred debts or other liabilities still unsatisfied as (d) _____]

(e) Insert any trading name of the debtor in Great Britain if different from the full name given above and any former trading names in respect of any business in Great Britain in respect of which the debtor may have incurred debts or other liabilities still unsatisfied [and [[lately] carrying on business in Great Britain as (e) _____]

(f) Delete any statements in paragraph 3 which do not apply and insert full address details, where applicable 3. (f) [The debtor's principal/last known* place of business in Great Britain is _____]
* Delete as applicable

Status: This is the original version (as it was originally made).

Form ML 1 continued

(g) If the debtor's principal/last known place of business is in Scotland insert details of any place of business in England and Wales
(g)[and the debtor's principal/last known* place of business in England and Wales is _____]

* Delete as applicable [The debtor's usual/last known* place of residence in Great Britain is _____]

(h) If the debtor's usual/last known place of residence is in Scotland insert details of any place of residence in England and Wales
(h)[and the debtor's usual/last known* place of residence in England and Wales is _____]

[The debtor has no place of business in Great Britain]

[The debtor has no place of residence in Great Britain.]

[The debtor has assets situated within England and Wales]

(i) Insert date of incorporation 4. The debtor was incorporated on(i) _____
(j) Insert registered number under the Companies Act 19 _____, and the registered number of the debtor is(j) _____

OR

(k) If the debtor has a registered branch or place of business include applicable statement(s) and insert required details
(k)[The debtor has one or more branches registered under Schedule 21A of the Companies Act 1985. The registered numbers of the branch(es) are _____]

[The debtor has delivered to the registrar of companies for the relevant part of Great Britain documents in respect of one or more places of business established by it in Great Britain.]

OR

Status: This is the original version (as it was originally made).

Form ML 1 continued

The debtor is not registered under the Companies Act 19 _____, nor does it have any branches registered under that Act or places of business of which particulars have been delivered to the registrar of companies.

(l) Give details of any business carried on by the debtor in respect of which the debtor may have incurred debts or other liabilities still unsatisfied

5. (l) The principal business [lately] carried on by the debtor in Great Britain is _____

OR

The debtor does not carry on business in Great Britain.

(m) Insert name of country where the foreign proceeding is taking place

6. The foreign proceeding in respect of which recognition is applied for is taking place in(m) _____

(n) Insert brief details of the foreign proceeding

The foreign proceeding is(n) _____

7. The foreign proceeding in respect of which recognition is applied for is a proceeding within the meaning of article 2(i) of the Model Law,

and the applicant is the foreign representative of the debtor within the meaning of article 2(j) of the Model Law in relation to that proceeding,

and the evidence referred to in article 15(2) of the Model Law is contained in or exhibited to the affidavit in support attached to this application.

8. The address of the debtor's centre of main interests is _____

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Form ML 1 continued

and

(o) Delete whichever of the two statements does not apply and insert address details, where applicable

(o) **EITHER**

* Delete as applicable

that is the address of the debtor's registered office/habitual residence*

OR

the address of the debtor's registered office/habitual residence* is _____

(p) If the application is for recognition of a foreign non-main proceeding include this statement, giving the name of the country where the foreign proceeding the subject of this application is taking place and the address of the establishment in that country

(p)[and the debtor has an establishment within the meaning of article 2(e) of the Model Law in _____

and the address of that establishment is _____

Note: The terms centre of main interests, habitual residence and establishment have the meaning given to them under the Model Law.

9. The debtor is not a person falling within any of the exceptions set out in article 1(2) of the Model Law.

10. An affidavit in support of this application is attached.

11. The statement referred to in article 15(3) of the Model Law is exhibited to the affidavit in support attached to this application.

(q) Insert address for service * Delete as applicable

12. The applicant's/applicant's solicitor's* address for service is(q) _____

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Form ML 1 continued

13. The applicant(s) therefore request(s) as follows:

Delete as applicable (a) that the court make an order recognising the foreign proceeding the subject of this application as a foreign main/non main proceeding

(r) Insert details of any ancillary orders sought (b) (r) _____

OR

(c) that such other order may be made as the court thinks appropriate.

*Delete as applicable Signed _____
Applicant/Applicant's solicitor*
(If signing on behalf of firm or company state position or office held)

Dated _____

Schedule 2,
paragraph 5(2)

Form ML 2

The Cross-Border Insolvency Regulations 2006 Recognition order

Name of Debtor	Company number <i>where applicable</i>
In the [full name of court]	<i>For court use only</i> Court case number

(a) Insert full name(s) and address(es) for service of applicant(s) UPON THE APPLICATION OF (a) _____

(b) Insert date presented to the court on (b) _____

(c) Insert full name and address for service of the debtor in respect of (c) _____

and upon hearing

(d) Insert details of any other parties (including the debtor) appearing and by whom represented and for (d) _____

and upon reading the evidence

(e) Insert details of foreign proceeding IT IS ORDERED that (e) _____

* Delete as applicable be recognised as a foreign main proceeding/foreign non-main proceeding* in accordance with the UNCITRAL Model Law on cross-border insolvency as set out in Schedule 1 to the Cross-Border Insolvency Regulations 2006

(f) Insert particulars of any further order made by the court AND it is ordered that (f) _____

(g) Insert terms of order for costs AND it is ordered that the costs of the said application (g) _____

Status: This is the original version (as it was originally made).

Form ML 2 continued

(h) Insert date and time This order shall take effect from (h) _____

Schedule 2,
paragraph 6

Form ML 3

The Cross-Border Insolvency Regulations 2006

Statement of subsequent information

Name of Debtor	Company number <i>where applicable</i>
In the [full name of court]	Court case number

(a) Insert full name(s) and address(es) of foreign representative(s)

I/We(a) _____

attach a statement providing information in accordance with article 18 of the UNCITRAL Model Law on cross-border insolvency, as set out in Schedule 1 to the Cross-Border Insolvency Regulations 2006, and paragraph 6(2)(b) of Schedule 2 to those Regulations.

Signed _____
Joint/Foreign Representative(s)

Dated _____

Status: This is the original version (as it was originally made).

Schedule 2,
paragraph 32

Form ML 4

The Cross-Border Insolvency Regulations 2006

Originating application

In the _____ <div style="text-align: right; font-size: small;">[full name of court]</div>	For court use only Court case number
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Between

Applicant _____

and

Respondent _____

(a) Insert full name and address of respondent

Let(a) _____

attend before the Judge on:

Date _____

Time _____ hours

Place _____

(b) Insert name of applicant

On the hearing of an application by(b) _____

(c) State the terms of the order to which the applicant claims to be entitled

the applicant for an order in the following terms:(c) _____

(d) Set out grounds or refer to a witness statement or affidavit in support

The grounds on which the applicant claims to be entitled to the order are:(d) _____

(e) State the name(s) and address(es) of the person(s) intended to be served

The names and addresses of the persons upon whom it is intended to serve this application are:(e)

OR

Status: This is the original version (as it was originally made).

Form ML 4 continued

It is not intended to serve any person with this application.

(f) State the applicant's
address for service

The applicant's address for service is: (f) _____

Dated _____

Signed _____
(Solicitor for the) Applicant

If you do not attend, the court may make such order as it thinks fit.

Status: This is the original version (as it was originally made).

Schedule 2,
paragraphs 19 and 32

Form ML 5

The Cross-Border Insolvency Regulations 2006

Ordinary application

In the _____ <div style="text-align: right; font-size: small;">[full name of court]</div>	Court case number _____
--	-------------------------

Between

Applicant _____

and

Respondent _____

Take notice that I intend to apply to the Judge on:

Date _____

Time _____ hours

Place _____

(a) State nature and grounds of application

for(a) _____

Signed _____
(SOLICITOR FOR THE) APPLICANT

My/Our address for service is: _____

(b) Give the name(s) and address(es) of the person(s) (including the respondent) on whom it is intended to serve the application

To:(b) _____

OR

It is not intended to serve any person with this application.

If you do not attend, the court may make such order as it thinks fit.

The Cross-Border Insolvency Regulations 2006

**Affidavit of service of application under the
Cross-Border Insolvency Regulations 2006**

Name of Debtor	Company number <i>where applicable</i>
In the [full name of court]	Court case number

(a) Insert full name and address of person making affidavit I, (a) _____

* Delete as applicable the applicant/acting on behalf of the applicant* state on oath:

1. That I did on _____ day the _____ day of _____ 20 ____

(b) Insert details of application serve the above-named debtor with a copy of an application for (b) _____

("the application") duly sealed with the seal of the court and its supporting documents by leaving

(c) Insert address where served the same at the debtor's proper address at(c) _____

OR by posting the same on _____ day the _____ day of _____ 20 ____

by ordinary post first class mail in an envelope duly pre-paid and properly addressed to the said debtor at(c) _____

2. That I did on _____ day the _____ day of _____ 20 ____

(d) Insert name serve(d) _____

the foreign representative in relation to the said debtor with a copy of the application duly sealed with the seal of the court and its supporting documents by leaving the same at his proper address at(c) _____

Status: This is the original version (as it was originally made).

Form ML 6 continued

OR by posting the same on ____ day the _____ day of _____ 20 ____
by ordinary post first class mail in an envelope duly pre-paid and properly addressed to the
said(d) _____
at(c) _____

3. That I did on ____ day the _____ day of _____ 20 ____
serve(d) _____
a British insolvency officeholder acting in relation to the said debtor with a copy of the
application duly sealed with the seal of the court and its supporting documents by leaving the
same at his proper address at(c) _____

OR by posting the same on ____ day the _____ day of _____ 20 ____
by ordinary post first class mail in an envelope duly pre-paid and properly addressed to the
said(d) _____
at(c) _____

4. That I did on ____ day the _____ day of _____ 20 ____
serve(d) _____

* Delete as applicable the administrative receiver/receiver or manager of the property of the debtor in England and
Wales* with a copy of the application duly sealed with the seal of the court and its supporting
documents by leaving the same at his proper address at(c) _____

OR by posting the same on ____ day the _____ day of _____ 20 ____
by ordinary post first class mail in an envelope duly prepaid and properly addressed to the said(d)

at(c) _____

Status: This is the original version (as it was originally made).

Form ML 6 continued

5. That I did on ____ day the ____ day of ____ 20 ____
serve(d) _____

the member State liquidator of the said debtor with a copy of the application duly sealed with the seal of the court and its supporting documents by leaving the same at his proper address at(c) _____

OR by posting the same on ____ day the ____ day of ____ 20 ____

by ordinary post first class mail in an envelope duly pre-paid and properly addressed to the said(d) _____

at(c) _____

6. That I did on ____ day the ____ day of ____ 20 ____
serve(d) _____

a foreign representative of the said debtor appointed in another foreign proceeding regarding the said debtor with a copy of the application duly sealed with the seal of the court and its supporting documents by leaving the same at his proper address at(c) _____

OR by posting the same on ____ day the ____ day of ____ 20 ____

by ordinary post first class mail in an envelope duly pre-paid and properly addressed to the said(d) _____

at(c) _____

7. That I did on ____ day the ____ day of ____ 20 ____
serve(d) _____

who has presented a petition to wind up the said debtor/for a bankruptcy order to be made against the said debtor* with a copy of the application duly sealed with the seal of the court and its supporting documents by leaving the same at his proper address at(c) _____

* Delete as applicable

OR by posting the same on ____ day the ____ day of ____ 20 ____

Status: This is the original version (as it was originally made).

Form ML 6 continued

by ordinary post first class mail in an envelope duly pre-paid and properly addressed to the
said(d) _____
at(c) _____

8. That I did on ____ day the _____ day of _____ 20 ____
serve(d) _____
a person who is or may be entitled to appoint an administrator of the said debtor under
paragraph 14 of Schedule B1 to the Insolvency Act 1986 with a copy of the application duly
sealed with the seal of the court and its supporting documents by leaving the same at his proper
address at(c) _____

OR by posting the same on ____ day the _____ day of _____ 20 ____
by ordinary post first class mail in an envelope duly pre-paid and properly addressed to the
said(d) _____
at(c) _____

9. That I did on ____ day the _____ day of _____ 20 ____
serve the Financial Services Authority with a copy of the application duly sealed with the seal of
the court and its supporting documents by leaving the same at its proper address at(c) _____

OR by posting the same on ____ day the _____ day of _____ 20 ____
by ordinary post first class mail in an envelope duly pre-paid and properly addressed to the
Financial Services Authority at(c) _____

Status: This is the original version (as it was originally made).

Form ML 6 continued

A sealed copy of the application and its supporting documents are now produced to me marked "A".

SWORN _____

Status: This is the original version (as it was originally made).

Schedule 2,
paragraph 26(6)
and Schedule 3,
paragraph 7(4)

Form ML 7

The Cross-Border Insolvency Regulations 2006

**Notice to registrar of companies of ML 7
order under the Cross-Border
Insolvency Regulations 2006**

Name of Debtor	Company number <i>where applicable</i>
In the <div style="text-align: right; font-size: small;">[full name of court]</div>	Court case number

(a) Insert name(s) and address(es) for service of foreign representative(s)

Notice is hereby given by(a) _____

the foreign representative(s) in relation to the above named debtor that the following order has been made under the Cross-Border Insolvency Regulations 2006(b):

(b) Insert brief details of court order

(c) Insert date

The order was made on(c) _____

Signed _____
Joint/Foreign Representative(s)

Dated _____

Status: This is the original version (as it was originally made).

Form ML 7 continued

(d) If the debtor is an overseas company with branches in Great Britain, please complete requested details of branches. If this form is delivered in respect of more than one branch in the same part of Great Britain, the branch number and name (where different) must be given for each branch

(d) This return is delivered in respect of all the branches listed below.

Registration number	Branch name

Contact Details:

You do not have to give any contact information in the box opposite but if you do, it will help Companies House to contact you if there is a query on the form.

	Tel
DX Number	DX Exchange

Companies House receipt date barcode

When you have completed and signed this form please send it to the Registrar of Companies at:

for companies or branches registered or places of business established in England and Wales:

Companies House, Crown Way, Cardiff, CF14 3UZ DX 33050 Cardiff

for companies or branches registered or places of business established in Scotland:

Companies House, 37 Castle Terrace, Edinburgh, EH1 2EB DX 235 Edinburgh or LP-4 Edinburgh 2

Status: This is the original version (as it was originally made).

Schedule 2,
paragraph 26(7)
and Schedule 3,
paragraph 7(5)

Form ML 8

The Cross-Border Insolvency Regulations 2006

Notification of order under the Cross-Border Insolvency Regulations 2006 (for newspaper and London or Edinburgh Gazette)

Name of Debtor	Company number <i>where applicable</i>
In the <small>[full name of court]</small>	Court case number

Nature of business (where applicable) _____

(a) Insert any trading names used by the debtor in Great Britain within the last 12 months, if different from the full name given above
Trading name(s) (a) _____

(b) Insert address of principal/last known place of business of debtor, or alternatively, in the case of a debtor who is an individual, the usual/last known place of residence of the debtor
Address of debtor (b) _____

The following order has been made in relation to the above debtor under the Cross-Border Insolvency Regulations 2006 (c) _____

(d) Insert date
Order made on (d) _____

(e) Insert address for service
Name(s) and address(es) of foreign representative(s) (e) _____

