

SCHEDULE 1

Amendments to the Insolvency Rules 1986

Amendments to Rule 1.31

21.—(1) Rule 1.31 (application for conversion into winding up) is amended as follows.

(2) For paragraph (1) substitute—

“(1) Where a member State liquidator proposes to apply to the court for conversion of a voluntary arrangement into winding-up proceedings, a witness statement complying with Rule 1.32 must be prepared and filed in court in support of the application.

(1A) In this Rule, and in Rules 1.32 and 1.33, “conversion into winding-up proceedings” means an order under Article 37 of the EC Regulation (conversion of earlier proceedings) that the voluntary arrangement is converted into—

- (a) administration proceedings whose purposes are limited to the winding up of the company through administration and are to exclude the purpose contained in paragraph 3(1)(a) of Schedule B1 to the Act⁽¹⁾;
- (b) a creditors’ voluntary winding up; or
- (c) a winding up by the court.”

(3) In paragraph (3), for “affidavit” substitute “witness statement”.

(1) Schedule B1 was inserted by 2002 c. 40, s. 248(2) and Schedule 16.