
EXPLANATORY NOTE

(This note is not part of the Rules)

Rules 3, 6 and 10 to 12 correct an error in cross-references in the Insolvency (Amendment) Rules 2010. Every reference to paragraphs in Schedule 1 numbered from 529 onwards is numbered one lower than it should be (so that, for example, paragraph 529 is incorrectly referred to as 528). These Rules substitute correct references for the incorrect ones. (Rules 11 and 12 substitute complete subparagraphs for ease of reference: only the numbers from 529 onwards in Rule 11 and numbers 559 and 560 in Rule 12 are changed.)

The second paragraph of the Explanatory Note to the Insolvency (Amendment) Rules 2010 contained the same error. It should have read:

Rule 2 introduces Schedule 1, which contains 560 paragraphs of amendments:

paragraph 1 contains amendments which apply throughout the 1986 Rules, other than in Schedule 4 (forms);

paragraphs 2 to 500 contain specific amendments to particular Rules and insert some new Rules: the amendments in paragraphs 111 (Rule 3.1) and 137 (Rule 3.39) apply also in Scotland to the extent provided by Rule 0.3(2) of the 1986 Rules;

paragraph 501 contains amendments to the list of courts in which bankruptcy petitions may be presented;

paragraph 502 deletes a large number of forms and contains amendments which apply throughout the remaining forms;

paragraphs 503 to 558 contain specific amendments to particular forms;

paragraph 559 provides for the replacement of ten forms with nine new ones, as set out in Schedule 2;

paragraph 560 amends Schedule 5 to the 1986 Rules (punishment of offences).

Paragraph 529 itself contained a numbering error, corrected by Rule 7.

Rule 4 replaces an incorrect reference to the “creditors’ committee” with a reference to the “liquidation committee” in an amendment to Rule 4.71 of the Insolvency Rules 1986 (which is about liquidation).

Rule 5 corrects a cross-reference within the amendments to Rule 4.108 of the Insolvency Rules 1986.

Rule 8 rectifies an omission from words which are to be substituted by other words in amendments to three forms prescribed by the Insolvency Rules 1986.

Rule 9 removes paragraph 538 from Schedule 1 to the Insolvency (Amendment) Rules 2010. (It does not make sense and was included in error.)

Rule 13 makes an additional transitional provision for the Insolvency (Amendment) Rules 2010, to remove an inconsistency between paragraph 1(6) of Schedule 4 to those Rules and article 12(1) and (2) of the Legislative Reform (Insolvency) (Miscellaneous Provisions) Order 2010. Where a company enters administration before 6 April 2010 and is converted (under paragraph 83 of Schedule B1 of the Insolvency Act 1986) into a creditors’ voluntary liquidation on or after that date, the amendments to the Insolvency Rules 1986 providing for progress reports in creditors’ voluntary liquidations and removing the requirement to hold annual meetings in those liquidations will apply so as to give effect to the provisions in the the Legislative Reform (Insolvency) (Miscellaneous Provisions) Order 2010 for progress reports and the abolition of annual meetings.