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STATUTORY INSTRUMENTS

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**2016 No. 1024**

**The Insolvency (England and Wales) Rules 2016**

**PART 12**

**COURT PROCEDURE AND PRACTICE**

**CHAPTER 3**

**Making applications to court: general**

**Service or delivery of application**

**12.9.**—<sup>F1</sup>(1) The applicant must serve a sealed copy of the application, endorsed with the venue for the hearing on—

- (a) the respondent named in the application; and
- (b) where an application is made under Part A1 of the Act relating to a regulated company within the meaning given by section A49, the appropriate regulator (within the meaning given by that section),

unless the court directs or these Rules provide otherwise.]

(2) The court may also give one or more of the following directions—

- (a) that the application be served upon persons other than those specified by the relevant provision of the Act or these Rules;
- (b) that service upon, or the delivery of a notice to any person may be dispensed with;
- (c) that such persons be notified of the application and venue in such other a way as the court specifies; or
- (d) such other directions as the court sees fit.

(3) A sealed copy of the application must be served, or notice of the application and venue must be delivered, at least 14 days before the date fixed for its hearing unless—

- (a) the provision of the Act or these Rules under which the application is made makes different provision;
- (b) the case is urgent and the court acts under rule 12.10; or
- (c) the court extends or abridges the time limit.

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**Textual Amendments**

- F1** [Rule 12.9\(1\)](#) substituted (1.10.2021) by [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), rules 1, [46](#) (with rules 4, 5)

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**Modifications etc. (not altering text)**

- C1** [Pt. 12 Ch. 3](#) applied (with modifications) (19.3.2024) by [The Water Industry \(Special Administration\) \(England and Wales\) Rules 2024 \(S.I. 2024/229\)](#), rules 1, [5\(1\)\(c\)](#), [64](#) (with rule 2(2))

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**Status:** Point in time view as at 19/03/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (England and Wales) Rules 2016, Section 12. (See end of Document for details)

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- C2** Rule 12.9 applied (with modifications) (temp.) (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 4 para. 47** (with ss. 2(2), 5(2), Sch. 4 para. 12)
- C3** Rules 12.7-12.11 applied (with modifications) (30.9.2021) by S.I. 2014/229, art. 2(2A), Sch. 1A paras. 1(4)(5), **35, 38** (as inserted by The Co-operative and Community Benefit Societies (Administration) (Amendment) Order 2021 (S.I. 2021/1048), arts. 1(1), **2**)
- C4** Rules 12.6-12.31 applied (with modifications) (19.3.2024) by The Water Industry (Special Administration) (England and Wales) Rules 2024 (S.I. 2024/229), rules 1, 5, 62-73, **Sch.** (with rule 2(2))

**Status:**

Point in time view as at 19/03/2024.

**Changes to legislation:**

There are currently no known outstanding effects for the The Insolvency (England and Wales) Rules 2016, Section 12.