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## STATUTORY INSTRUMENTS

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# 2017 No. 1115

## INSOLVENCY

### COMPANIES

### INDIVIDUALS

## The Insolvency (England and Wales) and Insolvency (Scotland) (Miscellaneous and Consequential Amendments) Rules 2017

*Made* - - - - *15th November 2017*

*Laid before Parliament* *16th November 2017*

*Coming into force* - - *8th December 2017*

The Lord Chancellor has consulted the committee existing for the purposes of section 413 of the Insolvency Act 1986<sup>(1)</sup> (“the Act”).

The Lord Chancellor, with the concurrence of the Secretary of State and with the concurrence of the Chancellor of the High Court (nominated by the Lord Chief Justice under sections 411(7) and 412(6) of the Act) in relation to those rules which affect court procedure, in exercise of the powers conferred by sections 411 and 412 of the Act<sup>(2)</sup>, makes the Rules in Part 1.

The Secretary of State, in exercise of the powers conferred on him by Introductory Rule 5(1) of the Insolvency (England and Wales) Rules 2016<sup>(3)</sup> and sections 411 and 412 of, and paragraphs 27 of Schedule 8 and 30 of Schedule 9 to, the Act, makes the Rules in Part 2.

The Secretary of State, in exercise of the powers conferred by section 411 of the Act, makes the Rules in Part 3.

The Secretary of State, with the concurrence of the Lord Chancellor, in exercise of the powers conferred by section 14 of the Insolvency Act 2000<sup>(4)</sup> makes the Rules in Part 4.

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(1) 1986 c. 45.

(2) Sections 411 and 412 confer on the Lord Chancellor the power to make rules in relation to insolvency in England and Wales with the concurrence of the Secretary of State and the Lord Chief Justice (in the case of rules that affect court procedure). Relevant amendments to sections 411 and 412 are made by regulations 2 and 3 of [S.I. 2002/1037](#); paragraphs 185, 188 and 189 of Schedule 4 to the Constitutional Reform Act 2005 (c.4); paragraphs 1 and 8 of Schedule 20 to the Tribunals, Courts and Enforcement Act 2007 (c.15); paragraph 44 of Schedule 4 to [S.I. 2007/2194](#); and paragraph 79 of Schedule 1 to [S.I. 2009/1941](#).

(3) [S.I. 2016/1024](#).

(4) 2000 c. 39.

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**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Insolvency (England and Wales) and Insolvency (Scotland) (Miscellaneous and Consequential Amendments) Rules 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

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The Secretary of State being designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to insolvency<sup>(5)</sup> in exercise of the powers conferred upon him by that section, makes the Rules in Part 5.

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(5) [1997 c. 68](#). The Secretary of State was designated by [S.I. 2001/3495](#). Section 57(1) of the Scotland Act 1998 ([1998 c. 46](#)) provides that despite the transfer to the Scottish Ministers of functions in relation to observing and implementing obligations under EU law, any function of a Minister of the Crown shall continue to be exercisable by the Minister as regards Scotland for the purposes specified in section 2(2) of the European Communities Act 1972

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