

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

Part 1 of these Rules amends provisions in the Insolvency (England and Wales) Rules 2016 (“the 2016 Rules”), which came into force on 6 April 2017. The purpose of these amendments is to effect minor corrections and clarifications. Rule 7 has a more substantive effect in that it inserts a new provision reflecting the Practice Direction supplementing Section IV of CPR Part 6, for service of a statutory demand outside of the jurisdiction. Rule 8 enables the court to decline to file a bankruptcy petition if the creditor has not satisfied the requirement to bring the debtor’s attention to the statutory demand.

Part 2 of these Rules amends the Insolvency Regulations 1994 so that regulations 14 and 28, for compulsory winding-up and bankruptcy respectively, continue to function following the abolition of final meetings in those processes.

Part 3 of these Rules corrects an amendment made to the Insolvency (Scotland) Rules 1986 by the Insolvency Amendment (EU 2015/848) Regulations 2017.

Part 4 of these Rules makes an amendment to the Cross-Border Insolvency Regulations 2006 consequential on the 2016 Rules.

Part 5 of these Rules amends the 2016 Rules to reflect the recast EU Insolvency Regulation. Part 5 also makes an amendment to the European Grouping of Territorial Cooperation Regulations 2006 consequential on the 2016 Rules.

As these Rules largely correct and clarify the 2016 Rules, the free issue procedure has been applied.

A full impact assessment has not been produced for this instrument, as no impact on the private, voluntary or public sectors is foreseen. An Impact Assessment was published alongside the 2016 Rules, which can be accessed at [www.legislation.gov.uk](http://www.legislation.gov.uk).

An Explanatory Memorandum has been prepared and is available alongside these Rules at [www.legislation.gov.uk](http://www.legislation.gov.uk).

**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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- rule 31 revoked by [S.I. 2021/153 Sch. Table 1](#)
- rule 32 revoked by [S.I. 2021/153 Sch. Table 1](#)