

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Insolvency (England and Wales) Rules 2016 (Consequential Amendments and Savings) 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) View outstanding changes

SCHEDULE 1

Rule 2(1)

Consequential amendments to Acts of Parliament

Solicitors Act 1974

1. In section 16(2A)(a) of the Solicitors Act 1974 (duration of suspension of practising certificates) ^{M1}, for “Rule 5A.16 of the Insolvency Rules 1986” substitute “ Rule 9.18 of the Insolvency (England and Wales) Rules 2016 ”.

Marginal Citations

M1 1974 c.47. Relevant amendments are made by [S.I. 2012/2404](#).

Administration of Justice Act 1985

2. In section 18(2ZA) of the Administration of Justice Act 1985 (suspension or termination of licences) ^{M2}, for “Rule 5A.16 of the Insolvency Rules 1986” substitute “ Rule 9.18 of the Insolvency (England and Wales) Rules 2016 ”.

Marginal Citations

M2 1985 c.61. Relevant amendments are made by [S.I. 2012/2404](#).

Insolvency Act 1986

3. In section 385(1) of the Insolvency Act 1986 (Second Group of Parts: miscellaneous definitions) ^{M3}, in the definition of “the Rules”, for “Insolvency Rules 1986” substitute “ Insolvency (England and Wales) Rules 2016 ”.

Marginal Citations

M3 1986 c.45. Definition inserted by [S.I. 1986/1999](#), [articles 2](#) and 6.

SCHEDULE 2

Rule 2(2)

Consequential amendments to subordinate legislation

References to “Insolvency Rules 1986”

1. In each of the following provisions, for “Insolvency Rules 1986”, in each place it occurs, substitute “ Insolvency (England and Wales) Rules 2016 ”.

| <i>Subordinate legislation</i> | <i>References</i> | <i>Provision</i> |
|--|-------------------|------------------|
| Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information (Amendment and Specification) Order 2003 | 2003/1400 | Schedule 4 |

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| | | |
|---|--|-----------------|
| Cross-Border Regulations 2006 | Insolvency 2006/1030 | Regulation 1(1) |
| European Territorial Regulations 2015 | Grouping of Cooperation of 2015/1493 | Regulation 2(1) |

Solicitors' Recognised Bodies Order 1991

2. In Schedule 1 to the Solicitor's Recognised Bodies Order 1991 ^{M4}, in the table headed "Statutory instruments which apply to recognised bodies"—

- (a) omit the entry for the Insolvency Rules 1986; and
- (b) insert in the relevant place—

| | | |
|-----------------|---|---|
| "S.I. 2016/1024 | Insolvency (England and Wales) Rules 2016 | and The whole instrument except rules 7.7, 7.30, 7.106, 10.11, 10.103 and 12.19". |
|-----------------|---|---|

Marginal Citations

M4 [S.I. 1991/2684](#). The Order was renamed by [S.I. 2009/500](#).

Insolvent Companies (Disqualification of Unfit Directors) Proceedings Rules 1987

3.—(1) The Insolvent Companies (Disqualification of Unfit Directors) Proceedings Rules 1987 ^{M5} are amended as follows.

- (2) For rule 1(2)(e), substitute—

“(e) “registrar” has the same meaning as in rule 1.2(2) of the Insolvency (England and Wales) Rules 2016, and”

- (3) In rule 2—

- (a) For sub-paragraph (4), substitute—

“(4) Rule 12.59 (appeals and reviews of court orders in corporate insolvency) and rule 12.62 (procedure on appeal) of the Insolvency (England and Wales) Rules 2016 apply.”

- (b) In sub-paragraph (5), for “The Insolvency Rules 1986” substitute “ The Insolvency (England and Wales) Rules 2016 ”.

Marginal Citations

M5 [S.I. 1987/2023](#). Relevant amendments are made by [S.I. 1999/2023](#).

Insolvency Regulations 1994

4.—(1) The Insolvency Regulations 1994 ^{M6} are amended as follows.

(2) In regulation 3(1) (interpretation and application), in the definition of “the Rules”, for “the Insolvency Rules 1986” substitute “ The Insolvency (England and Wales) Rules 2016 ”.

(3) In regulation 14(3), for “rule 4.125(5)” in each of the places it appears substitute rules “ 7.69 and 7.70 ”.

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(4) In regulation 17(1), omit “whether the winding up has been concluded under Rule 4.223 or not,”.

(5) In regulation 28(3), for “Rule 6.137(5)”, in the two places in which it appears, substitute “rule 10.87(7)”.

Marginal Citations

M6 [S.I. 1994/2507](#). There are no relevant amendments.

Contracting Out (Functions of the Official Receiver) Order 1995

5.—(1) The Contracting Out (Functions of the Official Receiver) Order 1995 ^{M7} is amended as follows.

(2) In rule 2(1) (interpretation)—

- (a) In the definition of “the insolvency legislation”, for “rule 12.1” substitute “Introductory Rule 5”.
- (b) For the definition of “the Rules” substitute ““the Rules” means the Insolvency (England and Wales) Rules 2016”.

(3) In the Schedule—

(a) Omit paragraph 3.

(b) For paragraph 8, substitute—

“8. The functions of the official receiver—

- (a) exercisable under rule 17.28(2) (functions of committee in winding up by court or bankruptcy exercisable by official receiver); or
- (b) in relation to the hearing of an application made under—
 - (i) section 280 (discharge by order of the court);
 - (ii) rule 7.44(2) (application to court for a release or extension of time in respect of statement of affairs in a winding up by the court); or
 - (iii) rule 10.58(2) (application to court by bankrupt for a release or extension of time in respect of statement of affairs).”

(4) Omit paragraph 11.

(5) In paragraph 14—

- (a) In sub-paragraph (d), for “rule 4.36(5)” substitute “rule 7.44(6)(a)”;
- (b) In sub-paragraph (e), for “rule 6.62(5)” substitute “rule 10.58(6)(a)”;
- (c) In sub-paragraph (f), for “rule 6.215(2)” substitute “rule 10.142(2)”.

(6) Omit paragraph 21.

Marginal Citations

M7 [S.I. 1995/1386](#). There are no relevant amendments.

Insurers (Winding Up) Rules 2001

6.—(1) The Insurers (Winding Up) Rules 2001 ^{M8} are amended as follows.

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(2) In rule 2(1), in the definition of “the principal rules,” for “the Insolvency Rules 1986” substitute “ the Insolvency (England and Wales) Rules 2016 ”.

(3) In rule 19, for “rule 4.207 of the principal rules (security) applies” substitute “rules 5.18 (security by the liquidator and special manager in a members' voluntary winding up), 6.38 (security in a creditors' voluntary winding up) and 7.94 (winding up by the court) of the principal rules apply”.

(4) In rule 23(2) (dividends for creditors), for “Part II” substitute “ Part III ”.

(5) In rule 26(1), for “rule 4.218 of the principal rules (general rule as to priority) applies” substitute “rules 6.42 (general rule as to priority in a creditors' winding up) and 7.108 (general rule as to priority in a winding up by the court) of the principal rules apply”.

Marginal Citations

M8 [S.I. 2001/3635](#). There are no relevant amendments.

Pension Protection Fund (Entry Rules) Regulations 2005

7.—(1) The Pension Protection Fund (Entry Rules) Regulations 2005 ^{M9} are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), paragraph 3, omit the definition of “the Insolvency Rules”.

(3) In regulation 5(1)(a)(iii) (prescribed insolvency events), for “Rule 2.132 of the Insolvency Rules (conversion of administration to winding up – power of court)” substitute “ rule 21.3 of the Insolvency (England and Wales) Rules 2016 (conversion into winding up proceedings or bankruptcy: court order) ”.

(4) In regulation 5(1)(aa)(i) (prescribed insolvency events), for “Insolvency Rules” substitute “ Insolvency Rules 1986 ”.

(5) In regulation 6(1)(a)(iii) (circumstances in which insolvency proceedings in relation to the employer are stayed or come to an end), for “Rule 2.132 of the Insolvency Rules (conversion of administration to winding up – power of court)” substitute “ rule 21.3 of the Insolvency (England and Wales) Rules 2016 (conversion into winding up proceedings or bankruptcy: court order) ”.

(6) In regulation 6(1)(c)(iii)(bb), for “the Insolvency Rules” substitute “ the Insolvency Rules 1986 ”.

Marginal Citations

M9 [S.I. 2005/590](#). Regulations 5(1)(a)(iii), 5(1)(aa)(i) were inserted by [S.I. 2005/2153](#).

Civil Partnership (Treatment of Overseas Relationships) Order 2005

8. For article 2(e)(ii) (overseas relationships dissolved etc. before commencement treated as civil partnerships) of the Civil Partnership (Treatment of Overseas Relationships) Order 2005 ^{M10}, substitute—

“(ii) (rules 10.167 (bankrupt's home: property falling within section 283A), 10.168 (application in relation to the vesting of an interest in a dwelling-house (registered land), 10.169 (vesting of bankrupt's interest (unregistered land)) and 10.171 (charging order) of the Insolvency (England and Wales) Rules 2016 ^{M11}.”

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- M10** [S.I. 2005/3042](#). Relevant amendments are made by [S.I. 2003/1730](#) and 2005/2114.
M11 [S.I. 2016/1024](#). There are no relevant amendments.

Legal Services Act 2007 (Designation of a Licensing Authority) (No. 2) Order 2011

9.—(1) The Legal Services Act 2007 (Designation as a Licensing Authority) (No. 2) Order 2011^{M12} is amended as follows.

- (2) In the table in Schedule 2^{M13}—
- (a) omit the entry for the Insolvency Rules 1986; and
 - (b) insert in the relevant place—

“Insolvency (England and Wales) Rules 2016 The whole instrument except rules 7.6, 7.105, (S.I. 2016/1024) 10.10, 10.103 and 12.20”.

Marginal Citations

- M12** [S.I. 2011/2866](#). There are no relevant amendments.
M13 Amended by [S.I. 2009/500](#).

Assets of Community Value (England) Regulations 2012

10. In Schedule 3 (relevant disposals to which section 95(1) of the Act does not apply) of the Assets of Community Value (England) Regulations 2012^{M14}, for paragraph 7 substitute—

“7. A disposal pursuant to insolvency proceedings defined as proceedings under the Insolvency Act 1986^{M15} or the Insolvency (England and Wales) Rules 2016^{M16}.”

Marginal Citations

- M14** [S.I. 2012/2421](#). There are no relevant amendments.
M15 [1986 c.45](#).
M16 [S.I. 2016/1024](#). There are no relevant amendments.

Care and Support (Cross-border Placements) (Business Failure Duties of Scottish Local Authorities) Regulations 2014

11. In regulation 4(1)(j) of the Care and Support (Cross-border Placements) (Business Failure Duties of Scottish Local Authorities) Regulations 2014^{M17}, for “rule 2.12 (conversion of administration to winding up – power of court) of the Insolvency Rules 1986” substitute “rule 21.3 (conversion into winding up proceedings or bankruptcy: court order) of the Insolvency (England and Wales) Rules 2016.

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- M17** [S.I. 2014/2839](#). There are no relevant amendments.

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Compensation Orders (Disqualified Directors) Proceedings (England and Wales) Rules 2016

12.—(1) The Compensation Orders (Disqualified Directors) Proceedings (England and Wales) Rules 2016^{M18} are amended as follows.

(2) In rule 1(3) (citation, commencement and interpretation), for the entry for “registrar,” substitute—

““registrar” has the same meaning as in rule 1.2(2) of the Insolvency (England and Wales) Rules 2016”

(3) For rule 3 (form and conduct of applications), sub-paragraph (5) substitute—

“(5) Rule 12.49 (appeals and reviews of court orders in corporate insolvency) and rule 12.61 (procedure on appeal) of the Insolvency (England and Wales) Rules 2016 apply to applications under these rules.”

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M18 [S.I. 2016/890](#). There are no relevant amendments.

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Changes and effects yet to be applied to :

- Sch. 2 para. 1 Table words revoked by [S.I. 2021/153 Sch. Table 1](#)
- rule 3(b) omitted by [S.I. 2017/1119 Sch. 1 para. 2\(2\)](#)