

2016 No. 903

INSOLVENCY, ENGLAND AND WALES

The Insolvency (Amendment) (No. 2) Rules 2016

<i>Made</i> - - - -	<i>9th September 2016</i>
<i>Laid before Parliament</i>	<i>12th September 2016</i>
<i>Coming into force</i> - -	<i>3rd October 2016</i>

The Lord Chancellor has consulted the committee existing for the purposes of section 413 of the Insolvency Act 1986 (“the Act”)(a).

The Lord Chancellor makes the following Rules in exercise of the powers conferred by section 411(b) of the Act 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 section 411(7) of the Act) in relation to those Rules which affect court procedure.

Citation, commencement and interpretation

- 1.—(1) These Rules may be cited as the Insolvency (Amendment) (No. 2) Rules 2016.
- (2) These Rules come into force on 3rd October 2016.
- (3) In these Rules “the 1986 Rules” means the Insolvency Rules 1986(c).

Amendments to the 1986 Rules

2. The 1986 Rules are amended as follows.
3. In rule 7.47(2) (appeals to and from single judge of High Court), for sub-paragraphs (a) and (b) substitute—
 - “(a) where the decision appealed against is made by a district judge sitting in the county court hearing centre specified in the first column of the table in Schedule 2D—
 - (i) to a High Court Judge sitting in a district registry; or
 - (ii) to a Registrar in Bankruptcy of the High Court,as specified in the corresponding entry in the second column of the table;
 - (b) to a High Court Judge where the decision appealed against is made by—
 - (i) a Circuit Judge sitting in the county court;

(a) 1986 c.45; section 413 was amended by the Constitutional Reform Act 2005 (c.4) Schedule 4, paragraphs 185 and 190 and S.I. 2006/1014; there are other amending instruments but none is relevant.
(b) Relevant amending instruments are the Constitutional Reform Act 2005 (c.4) Schedule 4(1), paragraph 189(3) and S.I. 2006/1014.
(c) S.I. 1986/1925, as amended by S.I. 2010/686. There are other amending instruments but none is relevant.

- (ii) a Master;
- (iii) a Registrar in Bankruptcy of the High Court, if that decision is made at first instance; or
- (iv) a district judge sitting in a district registry;
- (c) to the Civil Division of the Court of Appeal where the decision appealed against is made by a Registrar in Bankruptcy of the High Court, if that decision is an appeal from a decision made by a District Judge; and
- (d) to the Civil Division of the Court of Appeal where the decision appealed against is made by a High Court Judge.”.

4. After rule 7.47(4), insert—

“(5) In this rule—

“Circuit Judge sitting in the county court” means a judge sitting pursuant to section 5(1)(a) of the County Courts Act 1984(a);

“Civil Division of the Court of Appeal” means the division of the Court of Appeal established by section 3(1) of the Senior Courts Act 1981(b);

“Chancery Division of the High Court” means the division of the High Court established by section 5(1)(a) of the Senior Courts Act 1981;

“county court” means the court established by section A1 of the County Courts Act 1984;

“district judge” means a person appointed a district judge under section 6(1) of the County Courts Act 1984;

“district judge sitting in a district registry” means a district judge sitting in an assigned district registry as a district judge of the High Court under section 100 of the Senior Courts Act 1981;

“district registry” means a district registry of the High Court under section 99 of the Senior Courts Act 1981;

“High Court Judge” means a judge listed in section 4(1) of the Senior Courts Act 1981;

“Master” means a person appointed to the office of Master, Chancery Division under section 89(1) of the Senior Courts Act 1981;

“Registrar in Bankruptcy of the High Court” means a person appointed to the office of Registrar in Bankruptcy of the High Court under section 89(1) of the Senior Courts Act 1981;

and for the purposes of each definition a person appointed to act as a deputy for any person holding that office is included.”.

5. Before Schedule 3 (Shorthand Writers’ Remuneration) insert Schedule 2D set out in the Schedule to these Rules.

Transitional Provision

6. Where a person has filed a notice of appeal or applied for permission to appeal before the date on which these Rules come into force, the 1986 Rules apply without the amendments made by these Rules.

(a) 1984 c.28. Section A1 was inserted by section 17(1) of the Crime and Courts Act 2013 c.22.

(b) 1981 c.54. There are amending instruments but none is relevant.

Signed by authority of the Lord Chancellor

7th September 2016

Oliver Heald
Minister of State
Ministry of Justice

I concur, by the authority of the Lord Chief Justice

6th September 2016

Terence Etherton
Chancellor of the High Court

I concur, on behalf of the Secretary of State

9th September 2016

Margot James
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial Strategy

SCHEDULE

Rule 5

Schedule to be inserted into the 1986 Rules

“SCHEDULE 2D

Destination of appeals from decisions of district judges in insolvency matters

<i>County Court Hearing Centre</i>	<i>Destination of Appeal</i>
Aberystwyth	Cardiff District Registry
Aylesbury	Registrar in Bankruptcy
Banbury	Birmingham District Registry
Barnsley	Leeds District Registry
Barnstaple	Bristol District Registry
Barrow-in-Furness	Liverpool District Registry or Manchester District Registry
Bath	Bristol District Registry
Bedford	Birmingham District Registry
Birkenhead	Liverpool District Registry or Manchester District Registry
Birmingham	Birmingham District Registry
Blackburn	Liverpool District Registry or Manchester District Registry
Blackpool	Liverpool District Registry or Manchester District Registry
Blackwood	Cardiff District Registry
Bolton	Liverpool District Registry or Manchester District Registry
Boston	Birmingham District Registry
Bournemouth and Poole	Registrar in Bankruptcy
Bradford	Leeds District Registry
Bridgend	Cardiff District Registry
Brighton	Registrar in Bankruptcy
Bristol	Bristol District Registry
Burnley	Liverpool District Registry or Manchester District Registry
Bury	Liverpool District Registry or Manchester District Registry
Bury St. Edmunds	Registrar in Bankruptcy
Caernarfon	Cardiff District Registry
Cambridge	Registrar in Bankruptcy
Canterbury	Registrar in Bankruptcy
Cardiff	Cardiff District Registry
Carlisle	Liverpool District Registry or Manchester District Registry
Caernarfon	Cardiff District Registry
County Court at Central London	Registrar in Bankruptcy
Chelmsford	Registrar in Bankruptcy

<i>County Court Hearing Centre</i>	<i>Destination of Appeal</i>
Chester	Liverpool District Registry or Manchester District Registry
Chesterfield	Leeds District Registry
Colchester	Registrar in Bankruptcy
Coventry	Birmingham District Registry
Crewe	Liverpool District Registry or Manchester District Registry
Croydon	Registrar in Bankruptcy
Darlington	Newcastle District Registry
Derby	Birmingham District Registry
Doncaster	Leeds District Registry
Dudley	Birmingham District Registry
Durham	Leeds District Registry or Newcastle District Registry
Eastbourne	Registrar in Bankruptcy
Exeter	Bristol District Registry
Gloucester and Cheltenham	Bristol District Registry
Great Grimsby	Leeds District Registry
Guildford	Registrar in Bankruptcy
Halifax	Leeds District Registry
Harrogate	Leeds District Registry
Hastings	Registrar in Bankruptcy
Haverfordwest	Cardiff District Registry
Hereford	Bristol District Registry
Hertford	Registrar in Bankruptcy
Huddersfield	Leeds District Registry
Ipswich	Registrar in Bankruptcy
Kendal	Liverpool District Registry or Manchester District Registry
Kings Lynn	Registrar in Bankruptcy
Kingston-upon-Hull	Leeds District Registry
Kingston-upon-Thames	Registrar in Bankruptcy
Lancaster	Liverpool District Registry or Manchester District Registry
Leeds	Leeds District Registry
Leicester	Birmingham District Registry
Lincoln	Leeds District Registry or Birmingham District Registry
Liverpool	Liverpool District Registry or Manchester District Registry
Llangefni	Cardiff District Registry
Luton	Registrar in Bankruptcy
Maidstone	Registrar in Bankruptcy
Manchester	Manchester District Registry
Merthyr Tydfil	Cardiff District Registry
Middlesbrough	Newcastle District Registry
Milton Keynes	Birmingham District Registry
Newcastle upon Tyne	Newcastle District Registry
Newport (Gwent)	Cardiff District Registry
Newport (Isle of Wight)	Registrar in Bankruptcy
Northampton	Birmingham District Registry
Norwich	Registrar in Bankruptcy
Nottingham	Birmingham District Registry
Oldham	Liverpool District Registry or Manchester District Registry

<i>County Court Hearing Centre</i>	<i>Destination of Appeal</i>
	Registry
Oxford	Registrar in Bankruptcy
Peterborough	Registrar in Bankruptcy
Plymouth	Bristol District Registry
Pontypridd	Cardiff District Registry
Portsmouth	Registrar in Bankruptcy
Port Talbot Justice Centre	Cardiff District Registry
Preston	Liverpool District Registry or Manchester District Registry
Reading	Registrar in Bankruptcy
Rhyl	Cardiff District Registry
Romford	Registrar in Bankruptcy
Salisbury	Registrar in Bankruptcy
Scarborough	Leeds District Registry
Scunthorpe	Leeds District Registry
Sheffield	Leeds District Registry
Slough	Registrar in Bankruptcy
Southampton	Registrar in Bankruptcy
Southend-on-Sea	Registrar in Bankruptcy
Stafford	Birmingham District Registry
St Albans	Registrar in Bankruptcy
Stockport	Liverpool District Registry or Manchester District Registry
Stoke-on-Trent	Manchester District Registry
Sunderland	Newcastle District Registry
Swansea	Cardiff District Registry
Swindon	Bristol District Registry
Tameside	Liverpool District Registry or Manchester District Registry
Taunton	Bristol District Registry
Telford	Birmingham District Registry
Torquay & Newton Abbot	Bristol District Registry
Truro	Bristol District Registry
Tunbridge Wells	Registrar in Bankruptcy
Wakefield	Leeds District Registry
Walsall	Birmingham District Registry
Warrington	Liverpool District Registry or Manchester District Registry
Warwick	Birmingham District Registry
Welshpool & Newton	Cardiff District Registry
West Cumbria	Liverpool District Registry or Manchester District Registry
Wigan	Liverpool District Registry or Manchester District Registry
Winchester	Registrar in Bankruptcy
Wolverhampton	Birmingham District Registry
Worcester	Birmingham District Registry
Wrexham	Cardiff District Registry
Yeovil	Bristol District Registry
York	Leeds District Registry

”

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make provision for the court to which an appeal will lie against a decision in proceedings under the Insolvency Act 1986 relating to corporate insolvency.

Rule 3 amends rule 7.47 of the Insolvency Rules 1986, which makes provision for appeals in corporate insolvency. Appeals of decisions made by a District Judge sitting in the County Court will lie to either a High Court Judge in a Chancery district registry or to a Registrar in Bankruptcy of the High Court, depending on the location in which the decision was made (paragraph 2(a) and Schedule 2D). Appeals of decisions made at first instance by other judicial office-holders lie to a High Court Judge. Appeals of decisions made by a High Court Judge will lie to the Civil Division of the Court of Appeal.

Rule 4 makes a further amendment to rule 7.47 of the 1986 Rules, inserting a new paragraph 7.47(5) that defines terms appearing in paragraph 7.47(2) as amended.

Rule 5 inserts a new Schedule 2D into the 1986 Rules that specifies whether an appeal from a District Judge sitting in the County Court lies to a Registrar in Bankruptcy or to a High Court Judge. Appeals from decisions originating in the South-East will lie to a Registrar in Bankruptcy. Appeals from decisions originating from outside the South-East will lie to a High Court Judge sitting in a specified district registry.

Rule 6 makes transitional provision. If a notice of appeal is filed or an application for permission to appeal is made before the date on which these Rules come into force, then the appeal will lie to the destination to which it would have lain before that date.

An impact assessment has not been prepared for this instrument as no impact on the private or voluntary sector is foreseen.