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*

STATUTORY INSTRUMENTS

2017 No. 369

INSOLVENCY

The Insolvency (England and Wales) Rules 2016 (Consequential Amendments and Savings) Rules 2017

Made - - - -	*9th March 2017*
Laid before Parliament	*13th March 2017*
Coming into force - -	*6th April 2017*

The Lord Chancellor has consulted the committee that exists for the purposes of section 413 of the Insolvency Act 1986 [F1].

The Lord Chancellor, with the concurrence of the Secretary of State for Business, Energy and Industrial Strategy, in exercise of the powers conferred by sections 411 and 412 of the Insolvency Act 1986, makes the following rules.

F1 1986 c.45. Relevant amendments to section 413 have been made by paragraph 190 of Schedule 4 to the Constitutional Reform Act 2005 (c.4).

Citation and commencement

1. These Rules may be cited as the Insolvency (England and Wales) Rules 2016 (Consequential Amendments and Savings) Rules 2017 and come into force on 6th April 2017.

Amendments consequential on the Insolvency (England and Wales) Rules 2016

2.—(1) Schedule 1, which amends Acts of Parliament, has effect.

(2) Schedule 2, which amends subordinate legislation, has effect.

Savings in relation to special insolvency rules

3. The Insolvency Rules 1986, as they had effect immediately before 6th April 2017, insofar as they apply to proceedings under the following instruments, continue to have effect for the purposes of the application of—

(a) the Railway Administration Order 2001 [F2];

(b) the Limited Liability Partnerships Regulations 2001 [F3];

(c) the Energy Act 2004 [F4];

(d) the Energy Administration Rules 2005 [F5];

(e) the PPP Administration Order Rules 2007 [F6];

(f) the Water Industry (Special Administration) Rules 2009 [F7];

(g) the Energy Act 2011 [F8];

(h) the Charitable Incorporated Organisations (Insolvency and Dissolution) Regulations 2012 [F9];

(i) the Energy Supply Company Administration Rules 2013 [F10]; and

(j) the Postal Administration Rules 2013 [F11].

F2 S.I. 2001/3352. Certain provisions of the Insolvency Act 1986 are applied in relation to insolvency proceedings under the Railway Administration Order 2001 by section 59 of, and Schedule 6 to, the Railways Act 1993 (c.43). There are amendments but none are relevant.

F3 S.I. 2001/1090. Schedule 3 applies provisions of the Insolvency Act 1986 with modifications. Paragraph 3 of Part II of Schedule 6 applies the Insolvency Rules 1986. There are amendments but none are relevant.

F4 2004 c.20. Schedule 20 applies and modifies Schedule B1 to the Insolvency Act 1986 in relation to the conduct of energy administrations.

F5 S.I. 2005/2483. There are amendments but none are relevant.

F6 S.I. 2007/3141. There are amendments but none are relevant.

F7 S.I. 2009/2477. There are amendments but none are relevant.

F8 2011 c.16.

F9 S.I. 2012/3013. Part II and the Schedule apply modifications of the Insolvency Act 1986 to the dissolution of CIOs. Part III makes provision for the dissolution of CIOs otherwise than under the Insolvency Act 1986.

F10 S.I. 2013/1046. There are amendments but none are relevant.

F11 S.I. 2013/3208. There are amendments but none are relevant.

Signed by the authority of the Lord Chancellor

Ministry of Justice
9th March 2017

Oliver Heald
Minister of State

I concur, on behalf of the Secretary of State

Department for Business, Energy and Industrial Strategy
9th March 2017

Margot James
Minister for Small Business, Consumer and Corporate Responsibility

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) [F12], for "Rule 5A.16 of the Insolvency Rules 1986" substitute " Rule 9.18 of the Insolvency (England and Wales) Rules 2016 ".

F12 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) [F13], for "Rule 5A.16 of the Insolvency Rules 1986" substitute " Rule 9.18 of the Insolvency (England and Wales) Rules 2016 ".

F13 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) [F14], in the definition of "the Rules", for "Insolvency Rules 1986" substitute " Insolvency (England and Wales) Rules 2016 ".

F14 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 ".

Subordinate legislation	*References*	*Provision*
Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information (Amendment and Specification) Order 2003	2003/1400	Schedule 4
Cross-Border Insolvency Regulations 2006	2006/1030	Regulation 1(1)
European Grouping of Territorial Cooperation Regulations 2015	2015/1493	Regulation 2(1)

Solicitors' Recognised Bodies Order 1991

2. In Schedule 1 to the Solicitor's Recognised Bodies Order 1991 [F15], 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	The whole instrument except rules 7.7, 7.30, 7.106, 10.11, 10.103 and 12.19".

F15 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 [F16] 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 ".

F16 S.I. 1987/2023. Relevant amendments are made by S.I. 1999/2023.

Insolvency Regulations 1994

4.—(1) The Insolvency Regulations 1994 [F17] 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 ".

(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) ".

F17 S.I. 1994/2507. There are no relevant amendments.