STATUTORY INSTRUMENTS

2016 No. 903

INSOLVENCY, ENGLAND AND WALES

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

Made - - - -	*9th September 2016*
Laid before Parliament	*12th September 2016*
Coming into force - -	*3rd October 2016*

The Lord Chancellor has consulted the committee existing for the purposes of section 413 of the Insolvency Act 1986 ("the Act")(**1**).

The Lord Chancellor makes the following Rules in exercise of the powers conferred by section 411(**2**) 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(**3**).

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;

(**1**) 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.

(**2**) Relevant amending instruments are the Constitutional Reform Act 2005 (c.4) Schedule 4(1), paragraph 189(3) and S.I. 2006/1014.

(**3**) S.I. 1986/1925, as amended by S.I. 2010/686. There are other amending instruments but none is relevant.

(b) to a High Court Judge where the decision appealed against is made by—

(i) a Circuit Judge sitting in the county court;

(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(**4**);

"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(**5**);

"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.

(**4**) 1984 c.28. Section A1 was inserted by section 17(1) of the Crime and Courts Act 2013 c.22.
(**5**) 1981 c.54. There are amending instruments but none is relevant.

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.

Signed by authority of the Lord Chancellor

Oliver Heald
Minister of State
7th September 2016 Ministry of Justice

I concur, by the authority of the Lord Chief Justice

Terence Etherton
6th September 2016 Chancellor of the High Court

I concur, on behalf of the Secretary of State

Margot James
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial
9th September 2016 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

County Court Hearing Centre	*Destination of Appeal*
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