STATUTORY INSTRUMENTS

2021 No. 1028

INSOLVENCY, ENGLAND AND WALES

COMPANIES

The Insolvency (England and Wales) (No.2) (Amendment) Rules 2021

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CONTENTS

PART 1
Introductory provision

1.–2.	Citation commencement and interpretation	2
3.	Extent	2
4.–5.	Saving provisions	2

PART 2
Insertion of Part 1A into the Insolvency Rules

6.	New Part 1A of the Insolvency Rules	3

PART 3
Miscellaneous amendments of the Insolvency Rules

7.–12.	Amendment of Part 1 of the Insolvency Rules	14
13.–17.	Amendment of Part 2 of the Insolvency Rules	16
18.–27.	Amendment of Part 3 of the Insolvency Rules	17
28.–33.	Amendment of Part 6 of the Insolvency Rules	19
34.–45.	Amendment of Part 7 of the Insolvency Rules	20
46.–51.	Amendment of Part 12 of the Insolvency Rules	23
52.–63.	Amendment of Part 14 of the Insolvency Rules	24
64.–78.	Amendment of Part 15 of the Insolvency Rules	26
79.–81.	Amendment of Schedule 4 to the Insolvency Rules	29

PART 4

Minor amendments of the Insolvency Rules

SCHEDULE 1 — Minor amendments 30
SCHEDULE 2 — Amendments in consequence of the repeal of Schedule A1 to the Insolvency Act 1986 31

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

The Lord Chancellor makes the following Rules in exercise of the power conferred by section 411 of the Act, with the concurrence of the Lord Chief Justice in relation to those rules which affect court procedure, and with concurrence of the Secretary of State.

PART 1

Introductory provision

Citation commencement and interpretation

1. These Rules may be cited as the Insolvency (England and Wales) (No.2) (Amendment) Rules 2021 and come into force on 1st October 2021.

2. In these rules the "Insolvency Rules" means the Insolvency (England and Wales) Rules 2016(**b**).

Extent

3. These Rules extend to England and Wales only.

Saving provisions

4.—(1) This rule applies where before 1st October 2021—

(a) a moratorium under Part A1 of the Insolvency Act 1986(**c**) has come into force, or

(b) in the case of a moratorium for a company to which either section A4 or A5 of the Insolvency Act 1986 applies, an application has been made to the court.

(2) Where this rule applies—

(a) the amendments made by Parts 2 to 4 of these Rules do not apply, and

(b) Part 3 of Schedule 4 to the Corporate Insolvency and Governance Act 2020(**d**) continues to have effect,

in relation to that moratorium.

5. Nothing in Parts 2 to 4 of these Rules affects the operation of the Insolvency Rules in relation to a moratorium under Schedule A1 to the Insolvency Act 1986 which has come into force before 1st October 2021.

(**a**) 1986 c.45.
(**b**) S.I. 2016/1024; those Rules have been amended but the amendments are not relevant for the purposes of these Rules.
(**c**) Part A1 was inserted by section 1 of the Corporate Insolvency and Governance Act 2020 (c.12).
(**d**) 2020 c.12; Schedule 4 was amended by S.I. 2020/1031 and 2021/375.

PART 2

Insertion of Part 1A into the Insolvency Rules

New Part 1A of the Insolvency Rules

6. After Part 1 of the Insolvency Rules (scope, interpretation, time and rules about documents) insert—

"PART 1A

MORATORIUMS

CHAPTER 1

Preliminary

[Note: in accordance with rules 4 and 5 of the Insolvency (England and Wales) (No.2) (Amendment) Rules 2021 this Part applies only in relation to moratoriums under section A3 of the Act that come into force on or after 1st October 2021 and in relation to moratoriums under sections A4 and A5 of the Act where the application to the court is made on or after 1st October 2021.]

Application of Part 1A

1A.1. This Part applies for the purposes of a moratorium under Part A1 of the Act.

CHAPTER 2

Obtaining moratorium by filing notice at court

[Note: a document required by the Act or these Rules must also contain the standard contents set out in Part 1.]

Application of Chapter

1A.2. This Chapter applies for the purposes of obtaining a moratorium under section A3.

Obtaining a moratorium by filing documents at court (section A3): notice of filing

1A.3.—(1) The directors must (in addition to the relevant documents referred to in section A6) file a notice with the court (referred to as a "notice of filing").

(2) The notice of filing must—

(a) be accompanied by the relevant documents,

(b) be headed "Moratorium under section A3 of the Insolvency Act 1986: notice of filing",

(c) state—

(i) that the directors wish to obtain a moratorium under section A3 of the Act,

(ii) the names of the persons filing the notice,

(iii) the identification details for the company,

(iv) the court (and where applicable the division or district registry of that court) or hearing centre in which the notice is filed,

(v) where the court has previously allocated a number to the insolvency proceedings within which the notice is filed, that number, and

(vi) the date on which the notice is filed, and

(d) be authenticated by, or on behalf of, the person filing the notice.

(3) The notice of filing must be endorsed by the court with the date and time of filing.

The relevant documents: contents and requirements (section A6)

1A.4.—(1) Each relevant document must—

(a) state the nature of the document,

(b) identify the proceedings,

(c) contain the identification details for the company, and

(d) be authenticated by, or on behalf of, the person giving the notice or making the statement (as the case may be).

(2) The statements under section A6(1)(b) to (e) must—

(a) be made within the period of five business days ending with the day on which the notice of filing is filed with the court, and

(b) specify the date on which the statement is made.

The relevant documents: further requirements relating to the proposed monitor's statement and consent to act (section A6(1)(b))

1A.5. A statement under section A6(1)(b) must—

(a) be headed "Proposed monitor's statement and consent to act", and

(b) contain—

(i) a certificate that the proposed monitor(**a**) is qualified to act as an insolvency practitioner in relation to the company,

(ii) the name of the relevant recognised professional body which is the source of the proposed monitor's authorisation,

(iii) the proposed monitor's IP number, and

(iv) a statement that the proposed monitor consents to act as monitor in relation to the company.

Directions

1A.6. The court may at any time give such directions as it thinks just as to service of the notice of filing on any person.

CHAPTER 3

Obtaining a moratorium by application to the court

[Note: a document required by the Act or these Rules must also contain the standard contents set out in Part 1.]

Application of Chapter

1A.7. This Chapter applies for the purposes of an application to the court to obtain a moratorium—

(a) for a company subject to a winding-up petition under section A4, or

(b) for an overseas company under section A5.

Moratorium application (sections A4 and A5)

1A.8.—(1) An application for a moratorium under sections A4 or A5 must—

(**a**) "Monitor" in relation to a moratorium is defined in section A54.

(a) specify the date on which the application is filed, and

(b) be accompanied by the relevant documents (as to which see section A6).

(2) The application must be endorsed by the court with the date and time of filing.

The relevant documents: contents and requirements (section A6)

1A.9.—(1) Each relevant document must—

(a) state the nature of the document,

(b) identify the proceedings,

(c) contain the identification details for the company, and

(d) be authenticated by, or on behalf of, the person giving the notice or making the statement (as the case may be).

(2) The statements under section A6(1)(b) to (e) must—

(a) be made within the period of five business days ending with the day on which the application is filed with the court, and

(b) specify the date on which the statement is made.

The relevant documents: further requirements relating to the monitor's statement and consent to act (section A6(1)(b))

1A.10. A statement under section A6(1)(b) must—

(a) be headed "Proposed monitor's statement and consent to act for the purposes of a moratorium under Part A1 of the Insolvency Act 1986" and

(b) contain—

(i) a certificate that the proposed monitor is qualified to act as an insolvency practitioner in relation to the company,

(ii) the name of the relevant recognised professional body which is the source of the proposed monitor's authorisation,

(iii) the proposed monitor's IP number, and

(iv) a statement that the proposed monitor consents to act as monitor in relation to the company.

CHAPTER 4

Obligations to notify where moratorium comes into force

[Note: a document required by the Act or these Rules must also contain the standard contents set out in Part 1.]

Notice given by court where moratorium comes into force:

1A.11. As soon as reasonably practicable after the coming into force of a moratorium the court must deliver to the directors a sealed copy of the document referred to in paragraph (a) or (b) (as the case may be) endorsed with the date and time of filing—

(a) in the case of a moratorium under section A3, the notice of filing referred to in rule 1A.3, or

(b) in the case of a moratorium under section A4 or A5, the application referred to in rule 1A.8.

Notice given by monitor where moratorium comes into force: standard contents and requirements

1A.12.—(1) Notification of the coming into force of a moratorium required by section A8(1) must be delivered—

(a) to the persons specified in section A8(2), and

(b) where paragraph (2) applies, in accordance with that paragraph.

(2) Paragraph (3) applies where—

(a) notification is required to be given to any of the persons referred to in section A8(2)(b) to (d), or

(b) the moratorium is for a company which is a regulated company within the meaning given by section A49.

(3) Where this paragraph applies—

(a) rule 1.19(3) (copy of a document delivered to registrar of companies may be used to satisfy requirements for delivery to other persons) does not apply, and

(b) the monitor must deliver a copy of the document delivered to the registrar of companies to—

(i) the persons referred to in section A8(2)(b) to (d), for the purpose of giving the notification required by those paragraphs, and

(ii) the appropriate regulator, for the purpose of giving the notification required by section A49(3)(**a**).

CHAPTER 5

Extending moratorium by filing notice with the court

[Note: a document required by the Act or these Rules must also contain the standard contents set out in Part 1.]

Application of Chapter

1A.13. This Chapter applies for the purposes of extending a moratorium under sections A10 and A11.

Extending a moratorium by filing notice with the court (sections A10 and A11): notice of extension

1A.14.—(1) The directors must file a notice with the court (referred to as a "notice of extension").

(2) The notice of extension must—

(a) be accompanied by the documents referred to in section A10(1) or A11(1) (as the case may be),

(b) be headed "Notice of extension of a moratorium under section A10/A11 of the Insolvency Act 1986",

(c) state—

(i) that the notice is filed for the purpose of extending a moratorium,

(ii) whether the extension is under section A10 or section A11 of the Insolvency Act 1986,

(iii) the names of the persons filing the notice,

(iv) the identification details of the company,

(**a**) "Appropriate regulator" is defined in section A49.

(v) the court (and where applicable the division or district registry of that court) or hearing centre in which the notice is filed,

(vi) where the court has previously allocated a number to the insolvency proceedings in which the notice is filed, that number, and

(viii) the date on which the notice is filed, and

(d) be authenticated by, or on behalf of, the person filing the notice.

(3) The notice of extension must be endorsed by the court with the date and time of filing.

Documents filed with the court under sections A10(1) or A11(1) of the Act: contents and requirements

1A.15.—(1) Each document filed with the court under section A10(1) or A11(1) must—

(a) state the nature of the document,

(b) identify the proceedings,

(c) contain the identification details for the company,

(d) be authenticated by, or on behalf of, the person giving the notice or making the statement (as the case may be).

(2) The statement under section A11(1)(e) must also state—

(a) a description of the procedure used,

(b) the venue,

(c) whether, in the case of a meeting, the required quorum was in place, and

(d) the outcome.

(3) The statements under section A10(1)(b) to (d) or A11(1)(b) to (e) (as the case may be) must—

(a) be made within the period of three business days ending with the day on which the notice of extension is filed with the court, and

(b) specify the date on which the statement is made.

Directions

1A.16. The court may at any time give such directions as it thinks just as to service of the notice of extension on or to any person.

CHAPTER 6

Extending moratorium by application to the court

[Note: a document required by the Act or these Rules must also contain the standard contents set out in Part 1.]

Application of Chapter

1A.17. This Chapter applies for the purposes of extending a moratorium by application to the court under section A13.

Extending a moratorium by application to the court (section A13)

1A.18.—(1) An application for an extension to a moratorium under section A13 must—

(a) specify the date on which the application is filed, and

(b) be accompanied by the documents referred to in section A13(2).

(2) The application must be endorsed by the court with the date and time of filing.

Documents filed with the court under section A13(2): contents and requirements

1A.19.—(1) Each document filed with the court under section A13(2) must—

(a) state the nature of the document,

(b) identify the proceedings,

(c) contain the identification details for the company, and

(d) be authenticated by, or on behalf of, the person making the statement.

(2) The statements comprised in a document filed with the court under section A13(2) must—

(a) be made within the period of three business days ending with the day on which the application is filed with the court, and

(b) specify the date on which the statement is made.

CHAPTER 7

Notices about change in the end of moratorium

[Note: a document required by the Act or these Rules must also contain the standard contents set out in Part 1.]

Notification by directors to the monitor under section A17(1) of the Act: contents and requirements

1A.20.—(1) A notice under section A17(1) must be delivered to the monitor.

(2) The notice must—

(a) be delivered within the period of three business days beginning with the day on which the duty to give the notice arises, and

(b) contain—

(i) the identification details for the company,

(ii) a statement specifying the provision in Part A1 of the Insolvency Act 1986 by virtue of which the moratorium was extended or came to an end (as the case may be) and

(iii) if the moratorium has come to an end by virtue of section A16(1)(a) or (b) (company enters into insolvency procedure etc.) the additional information required by paragraph (3).

(3) The additional information that is required if a moratorium has come to an end by virtue of—

(a) section A16(1)(a), is the date on which the compromise or arrangement(**a**) came into effect, or

(b) section A16(1)(b), is—

(i) the date on which the company entered into the relevant insolvency procedure(**b**), and

(ii) the contact details for the office-holder for that procedure.

Notification by the monitor to the relevant persons under sections A17(2) or (3) of the Act: contents and requirements

1A.21.—(1) Notification under section A17(2) or (3) must—

(a) be delivered—

(**a**) "compromise or arrangement" is defined in section A16(2).
(**b**) "relevant insolvency procedure" is defined in section A16(3).

(i) to the relevant persons(**a**) specified in section A17(8)(a) to (d), and

(ii) where paragraph (4) applies, in accordance with that paragraph, and

(b) if the moratorium has come to an end by virtue of section A16(1)(b), contain the additional information referred to in paragraph (5).

(2) Notification delivered under this rule must be delivered within the period of five business days beginning with the day on which the duty to give the notice arises.

(3) Paragraph (4) applies where—

(a) notification is required to be given to any of the relevant persons referred to in section A17(8)(b) to (d), or

(b) the moratorium is for a company which is a regulated company within the meaning given by section A49(13).

(4) Where this paragraph applies—

(a) rule 1.19(3) (copy of a document delivered to registrar of companies may be used to satisfy requirements for delivery to other persons) does not apply, and

(b) the monitor must deliver a copy of the document delivered to the registrar of companies to—

(i) the persons referred to in section A17(8)(b) to (d), for the purpose of giving the notification required by those paragraphs, and

(ii) the appropriate regulator, for the purpose of giving the notification required by section A49(3).

(5) The additional information that is required if a moratorium has come to an end by virtue of section A16(1)(b) is—

(a) the date on which the company entered into the relevant insolvency procedure, and

(b) the contact details for the office-holder for that procedure.

[Note: Chapter 9 includes provision about notification by the monitor to the company etc. where the end of the moratorium changes by virtue of a notice given to the court under section A38 (termination of moratorium by monitor).]

CHAPTER 8

Notification by directors of insolvency proceedings

[Note: a document required by the Act or these Rules must also contain the standard contents set out in Part 1.]

Notification by directors to the monitor of insolvency proceedings (section A24)

1A.22. Notice by the directors of certain insolvency proceedings under section A24 must be delivered within the period of—

(a) in the case of a notice under subsection (1), three business days ending with the day on which any of the steps mentioned in paragraphs (a) to (c) of that subsection is to be taken, and

(b) in the case of a notice under sub-section (2), three business days beginning with the day on which the duty to give the notice arises.

CHAPTER 9

Termination of moratorium by monitor

[Note: a document required by the Act or these Rules must also contain the standard contents set out in Part 1.]

(**a**) "relevant person" is defined in section A17(8).

Notice bringing moratorium to an end (section A38)

1A.23.—(1) Notice bringing the moratorium to an end under section A38 must—

(a) be filed with the court—

(i) as soon as practicable after the duty to bring the moratorium to an end arises, and

(ii) together with one copy for the company.

(b) be headed "Notice of termination of moratorium by monitor under section A38 of the Insolvency Act 1986",

(c) state—

(i) that the notice is filed for the purpose of terminating a moratorium under section A38 of the Insolvency Act 1986,

(ii) the identification details of the company,

(iii) the name and contact details of the monitor,

(iv) the court (and where applicable the division or district registry of that court) or hearing centre in which the notice is filed,

(v) where the court has previously allocated a number to the insolvency proceedings within which the notice is filed, that number,

(vi) the date on which the notice is filed,

(vii) the grounds on which the moratorium is to be terminated,

(viii) the monitor's reasons for concluding that those grounds are made out, and

(ix) the date on which the monitor concluded that those grounds were made out, and

(d) be authenticated by, or on behalf of, the monitor.

(3) The court must endorse both the notice and the copy of the notice with the date and time of filing.

(4) The copy of the notice must have the seal of the court applied to it and must be delivered to the monitor.

(5) The monitor must deliver—

(a) the sealed copy of the notice to the company, and

(b) further copies of that notice to—

(i) the registrar of companies, and

(ii) where paragraph (7) applies, the persons specified in paragraph 7(b),

within the period of three business days beginning with the day on which the sealed copy of the notice is delivered to the monitor.

(6) Paragraph (7) applies where—

(a) notification is required to be given to any of the relevant persons referred to in section A17(8)(b) to (d), or

(b) the moratorium is for a company which is a regulated company within the meaning given by section A49(13).

(7) Where this paragraph applies—

(a) rule 1.19(3) (copy of document delivered to registrar of companies may be used to satisfy requirements for delivery to other persons) does not apply, and

(b) the monitor must deliver a copy of the document delivered to the registrar of companies to—

(i) the persons referred to in section A17(8)(b) to (d) for the purpose of giving the notification required by those paragraphs, and

(ii) the appropriate regulator, for the purpose of giving the notification required by section A49(3).

Debts that are to be disregarded for the purposes of section A38(1)(d) of the Act

1A.24. For the purposes of deciding whether to bring a moratorium to an end under section A38(1)(d) the monitor must disregard—

(a) any debts that the monitor has reasonable grounds for thinking are likely to be—

(i) paid, or

(ii) compounded to the satisfaction of the creditor,

within five business days of the decision, and

(b) any debts in respect of which the creditor has agreed to defer payment until a time that is later than the decision.

CHAPTER 10

Replacement of monitor or appointment of additional monitor

[Note: a document required by the Act or these Rules must also contain the standard contents set out in Part 1.]

Replacement of monitor or appointment of additional monitor, monitor's statement and consent to act: contents and requirements (section A39(4))

1A.25.—(1) A statement by a proposed replacement or additional monitor under section A39(4) must be filed with the court.

(2) The statement must—

(a) be headed "Proposed monitor's statement and consent to act for the purposes of a moratorium under Part A1 of the Insolvency Act 1986",

(b) contain—

(i) a certificate that the proposed monitor is qualified to act as an insolvency practitioner in relation to the company,

(ii) the name of the relevant recognised professional body which is the source of the proposed monitor's authorisation,

(iii) the proposed monitor's IP number, and

(iv) a statement that the proposed monitor consents to act as a replacement monitor or an additional monitor (as the case may be) in relation to the company,

(c) specify the date on which the statement was made,

(d) be authenticated by the proposed replacement monitor or the proposed additional monitor, and

(e) be made within the period of five business days ending with the day on which the statement is filed with the court.

Notice to be given by monitor of replacement of monitor or appointment of additional monitor (section A39(8))

1A.26.—(1) Notification of the appointment of a replacement monitor or the appointment of an additional monitor by virtue of an order under section A39(1) must be delivered—

(a) to the persons specified in section A39(8), and

(b) where paragraph (2) applies, in accordance with that paragraph.

(2) Paragraph (3) applies where—

(a) notification is required to be given to any of the persons referred to in section A39(8)(b) to (d), or

(b) the moratorium is for a company which is a regulated company within the meaning given by section A49(13).

(3) Where this paragraph applies—

(a) rule 1.19(3) (copy of document delivered to registrar of companies may be used to satisfy requirements for delivery to other persons) does not apply, and

(b) the monitor must deliver a copy of the document delivered to the registrar of companies to—

(i) for the purpose of giving the notification required by section A39(8)(b) to (d), each of the persons referred to in those paragraphs (as applicable), and

(ii) for the purpose of giving the notification required by section A49(3), the appropriate regulator.

CHAPTER 11

Challenges to monitor remuneration

[Note: a document required by the Act or these Rules must also contain the standard contents set out in Part 1.]

Challenges to monitor remuneration in subsequent insolvency proceedings

1A.27.—(1) An administrator or liquidator may apply to the court on the grounds that remuneration charged by the monitor in relation to a prior moratorium was excessive.

(2) An application under paragraph (1) may not be made after the end of the period of 2 years beginning with the day after the day on which the moratorium ends.

(3) On an application under paragraph (1) the court may—

(a) dismiss the application,

(b) order the monitor—

(i) to repay some or all of the remuneration, and

(ii) to pay interest on that sum at the rate specified in paragraph (4) for the period beginning with the date on which the remuneration was paid to the monitor and ending with the date of repayment, or

(c) make such other order as it sees fit.

(4) The rate specified for the purpose of paragraph (3)(b)(ii) is the rate specified in section 17 of the Judgments Act 1838(**a**) on the date on which the remuneration was paid to the monitor.

CHAPTER 12

Applications to court

[Note: a document required by the Act of these Rules must also contain the standard contents set out in Part 1.]

Application of Chapter

1A.28. This Chapter applies where an application is made to the court under—

(a) section A21 (restrictions on enforcement and legal proceedings),

(b) section A31 (disposal of charged property free from charge),

(**a**) Section 17 is amended by the Statute Law Revision (No 2) Act 1888 (c.57), article 2 of S.I. 1993/564, article 3 of S.I. 1998/2940, Part 1 of the Schedule to the Civil Procedure Acts Repeal Act 1879 (c.59) and article 3(c) of S.I. 1998/3132.

(c) section A32 (disposal of hire-purchase property),

(d) section A37 (application by monitor for directions),

(e) section A39 (replacement of monitor or appointment of additional monitor),

(f) section A42 (challenge to monitor's actions),

(g) section A43 and rule 1A.27(1) (challenges to monitor remuneration in insolvency proceedings), or

(h) section A44 (challenge to directors' actions).

Procedure for filing of application

1A.29.—(1) An application to which this Chapter applies must—

(a) identify the date on which the application is filed, and

(b) be filed at the court together with copies for—

(i) each of the persons specified in the third column of the Table in rule 1A.30(2), and

(ii) where the application is made in respect of a regulated company within the meaning given by section A49, the appropriate regulator (as defined in that section).

(2) The date and time of filing of the application must be endorsed on the application and on the copies.

(3) Each copy of the application must have the seal of the court applied to it and must be delivered to the applicant.

Service of the application

1A.30.—(1) The applicant must serve a sealed copy of the application—

(a) in accordance with—

(i) Schedule 4, and

(ii) the Table in paragraph (2),

(b) in a case where the application is made in respect of a regulated company within the meaning given by section A49, on the appropriate regulator, and

(c) at least 14 days before the date fixed for the hearing unless—

(i) the case is urgent and the court acts under rule 12.10, or

(ii) the court extends or abridges the time limit.

(2) This is the Table referred to in paragraph (1)—

Section of the Act	*Topic*	*Persons on whom application must be served*
A21	Restrictions on enforcement and legal proceedings	The company and the monitor
A31	Disposal of charged property free from charge	The holder of the security interest and the monitor
A32	Disposal of hire-purchase property	The owner of the property and the monitor
A37	Application by monitor for directions	The company
A39	Replacement of monitor or appointment of additional monitor	The monitor, in cases where the application is made by the directors. The directors in cases where the

		application is made by the monitor.
A42	Challenge to monitor's actions	The company and the monitor
A43 and rule 1A.27(1)	Challenges to monitor remuneration in insolvency proceedings	The directors and the monitor
A44	Challenge to director's actions	The directors and the monitor

Notice of opposition

1A.31.—(1) A person on whom an application has been served who intends to oppose the application must, not less than three business days before the day fixed for the hearing—

(a) file a notice with the court which complies with the requirements of paragraph (2), and

(b) deliver a copy of the notice to—

(i) the applicant or the applicant's solicitor, and

(ii) (where applicable) each of the other persons specified in the third column of the Table in rule 1A.30(2) on whom notice of the application is required to be served.

(2) The notice must—

(a) identify the proceedings,

(b) state that the person intends to oppose the application,

(c) state the grounds on which the person opposes the application, and

(d) state whether the person intends to appear on the hearing of the application.

Notice where the court grants permission under section A31 or A32

1A.32.—(1) This rule applies where the court grants permission on an application in respect of—

(a) the disposal of charged property by a company free from charge under section A31, or

(b) the disposal of hire-purchase property by a company under section A32.

(2) Where this rule applies the court must deliver two sealed copies of the order to the company as soon as reasonably practicable after the order is made.

(3) As soon as reasonably practicable after receiving copies of the order under paragraph (2) the company must deliver one copy to the holder of the security or the owner of the hire-purchase goods (as the case may be).".

PART 3

Miscellaneous amendments of the Insolvency Rules

Amendment of Part 1 of the Insolvency Rules

7.—(1) Rule 1.20 (registrar of companies: covering notices) is amended as follows.

(2) For paragraph (1) substitute—

"(1) This rule applies where—

(a) the Act or these Rules require an office-holder to deliver any of the documents specified in paragraph (1A) to the registrar of companies, or

(b) the directors are required to deliver a copy of a court order to the registrar of companies in accordance with sections A31(7) or A32(5).".

(3) After paragraph (1) insert—

"(1A) The documents specified in this paragraph are—

(a) a notice under section A38 bringing a moratorium under Part A1 of the Act to an end;

(b) an account (including a final report) or a summary of receipts and payments;

(c) an administrative receiver's report under section 48(1);

(d) a court order;

(e) a declaration of solvency;

(f) a direction of the Secretary of State under section 203 or 205;

(g) a notice of disclaimer;

(h) a statement of administrator's proposals (including a statement of revised proposals);

(i) a statement of affairs;

(j) a statement of concurrence;

(k) a notice of an administrator's resignation under paragraph 87(2) of Schedule B1;

(l) a notice of a liquidator's death which the official receiver is required to deliver under rule 7.67(3)(b);

(m) a notice that a liquidator has vacated office on loss of qualification to act which the official receiver is required to deliver under rule 7.68(4)(b);

(n) any report including—

(i) a final report,

(ii) a progress report (including a final progress report),

(iii) a report of a creditor's decision under paragraph 53(2) or 54(6) of Schedule B1, and

(iv) a report of a decision approving a CVA under section 4(6) and (6A) or paragraph 30(3) and (4) of Schedule A1 to the Act;

(o) a copy of the notice that a CVA has been fully implemented or terminated that the supervisor is required to deliver under rule 2.44(3).".

(4) In paragraph (2), after "office-holder" insert "or the directors (as the case may be)".

8. In rule 1.22 (standard contents of documents relating to the office of office-holders), for paragraph (1)(b) substitute—

"(b) where the document relates to—

(i) an appointment, (other than an appointment to which sub-paragraph (b)(ii) refers), the person, body or court making the appointment; or

(ii) in the case of an appointment of a person as a monitor in respect of a moratorium for a company to which section A3 applies, the court with which the relevant documents, within the meaning given by section A6, were filed;".

9. In rule 1.30 (standard contents of notices relating to the office of office-holders), for paragraph (b) substitute—

"(b) where the document relates to—

(i) an appointment, (other than an appointment to which sub-paragraph (b)(ii) refers), the person, body or court making the appointment; or

(ii) in the case of an appointment of a person as a monitor in respect of a moratorium for a company to which section A3 applies, the court with which the relevant documents, within the meaning given by section A6, were filed.".

10. In rule 1.38 (creditor's election to opt-out), before paragraph (1) insert—

"(A1) This rule does not apply in relation to a moratorium under Part A1 of the Act.".

11. In rule 1.39 (office-holder to provide information to creditors on opting-out), before paragraph (1) insert—

"(A1) This rule does not apply in relation to a moratorium under Part A1 of the Act.".

12. In rule 1.57 (right to list of creditors), before paragraph (1)(a) insert—

"(za) a moratorium under Part A1 of the Act;".

Amendment of Part 2 of the Insolvency Rules

13.—(1) Rule 2.2 (proposal for a CVA: general principles and amendment) is amended as follows.

(2) For paragraph (2) substitute—

"(2) The proposal may be amended with the nominee's agreement in writing where—

(a) the nominee is not the liquidator or administrator of the company; and

(b) the nominee's report has not been filed with the court under section 2(2).".

(3) Omit paragraphs (3) and (4).

14. In rule 2.3 (proposal: contents), in the Table in paragraph (1), for the entry "address where moratorium proposed" substitute—

"Matters relating to a moratorium	(va) whether a moratorium is, or has been, in force for the company under Part A1 of the Act and, if so, the date that moratorium came into force and, (if applicable), the date it ended;"

15.—(1) Rule 2.6 (statement of affairs (section 2(3)) is amended as follows.

(2) In paragraph (1), after "the following" insert "and, in addition, where paragraph (1B) applies, the information specified in that paragraph".

(3) After paragraph (1) insert—

"(1A) Paragraph (1B) applies if a moratorium under Part A1 of the Act is, or has been, in force for the company at any time within the period of 12 weeks ending with the day on which the statement of affairs is made up.

(1B) Where this paragraph applies the statement of affairs must identify which of the debts owed by the company are—

(a) moratorium debts, and

(b) priority pre-moratorium debts,

within the meaning given by section 174A(**a**);.and

(c) sub-paragraph(1)(c) has effect as if the reference to preferential creditors included references to moratorium debts and priority pre-moratorium debts within the meaning given by section 174A".

16. In rule 2.26 (members' consideration at a meeting), for paragraph (3) substitute—

"(3) The date of the meeting (except where the nominee is the administrator or liquidator of the company) must not be more than 28 days from the date on which the nominee's report is filed with the court under rule 2.9.".

17. For rule 2.27 (creditors' consideration by a decision procedure) substitute—

(**a**) Section 174A was inserted by paragraph 13 of Schedule 3 to the Corporate Insolvency and Governance Act 2020 (c12).

"**Creditors' consideration by a decision procedure**

2.27. Where the nominee is inviting the creditors to consider the proposal by a decision procedure, the decision date must be not less than 14 days from the date of delivery of the notice and not more than 28 days from the date the nominee's report is filed with the court under rule 2.9.".

Amendment of Part 3 of the Insolvency Rules

18. In rule 3.8 (service of application), before sub-paragraph (3)(a) insert—

"(za) if there is a moratorium in force for the company under Part A1 of the Act, the monitor;".

19. In rule 3.12 (the hearing), after sub-paragraph (1)(c) insert—

"(ca) if there is a moratorium in force for the company under Part A1 of the Act, the monitor;".

20. In rule 3.23 (notice of intention to appoint), in paragraph (1)—

(a) after sub-paragraph (e) insert—

"(ea) a statement as to whether there is a moratorium in force for the company under Part A1 of the Act;", and

(b) for sub-paragraph (f) substitute—

"(f) a statement that the company has not within the preceding 12 months been in administration;".

21. In rule 3.25 (notice of appointment without prior notice of intention to appoint), in paragraph (2)—

(a) after sub-paragraph (e) insert—

"(ea) a statement as to whether there is a moratorium in force for the company under Part A1 of the Act;" and

(b) for sub-paragraph (f) substitute—

"(f) a statement that the company has not within the preceding 12 months been in administration;".

22. In rule 3.27 (publication of administrator's appointment), before sub-paragraph (3)(a) insert—

"(za) if there is a moratorium in force for the company under Part A1 of the Act, to the monitor;".

23.—(1) Rule 3.30 (statement of affairs: content (paragraph 47 of Schedule B1)) is amended as follows.

(2) In paragraph (2), after "(in addition to the matters required by paragraph 47(2) of Schedule B1)" insert "the following, and, in addition, where paragraph (2B) applies, the information specified in that paragraph".

(3) After paragraph (2) insert—

"(2A) Paragraph (2B) applies if a moratorium under Part A1 of the Act is, or has been, in force for the company at any time within the period of 12 weeks ending with the day on which it entered administration.

(2B) Where this paragraph applies the statement of affairs must identify which of the debts owed by the company are—

(a) moratorium debts, and

(b) priority pre-moratorium debts,

within the meaning given by section 174A; and

(c) sub-paragraph (2)(a)(iv) has effect as if the reference to preferential creditors included references to moratorium debts and priority pre-moratorium debts within the meaning given by section 174A.

(d) sub-paragraph (2)(b)(i), (ii) and (vii) has effect as if the reference to preferential debts included references to moratorium debts and priority pre-moratorium debts within the meaning given by section 174A.".

24.—(1) Rule 3.35 (administrator's proposals: additional content) is amended as follows.

(2) In paragraph (1)—

(a) after sub-paragraph (d) insert—

"(da) a statement as to whether a moratorium under Part A1 of the Act has been in force for the company at any time within the period of 2 years ending with the day on which it entered administration and, if so—

(i) the date on which it came into force,

(ii) the date on which it ended, and

(iii) particulars of the purposes for which it was entered into and whether, and to what extent, those purposes were achieved;" and

(b) in sub-paragraph (h)(i) after "financial position of the company" insert "(as to which see paragraph (1A))".

(3) After paragraph (1) insert—

"(1A) For the purposes of paragraph (1)(h)(i) if a moratorium has been in force at any time within the period of 12 weeks ending with the day on which the company entered administration then the details of the financial position of the company must identify which of the debts owed by the company are—

(a) moratorium debts, and

(b) priority pre-moratorium debts,

within the meaning given by section 174A.".

25. In rule 3.50 (expenses), after paragraph (4) insert—

"(5) The costs of an application by the administrator under rule 1A.27 are to be treated as an expense of the administration unless the court orders otherwise.".

26. In rule 3.51 (order of priority), for paragraph (1) substitute—

"(1) Where paragraph 64A(**a**) or paragraph 99(1) of Schedule B1 applies, the items specified in paragraph 64A or paragraph 99 (as the case may be) are payable in priority to the expenses in this rule.".

27. After rule 3.51 insert—

"**Priority of moratorium debts in subsequent administration**

3.51A. Where paragraph 64A(1) of Schedule B1 applies, the moratorium debts and priority pre-moratorium debts mentioned in paragraph 64A(2) of that Schedule are payable in the following order of priority—

(a) amounts payable in respect of goods or services supplied during the moratorium under a contract where, but for section 233B(3) or (4)(**b**), the supplier would not have had to make that supply;

(b) wages or salary arising under a contract of employment, so far as relating to a period of employment before or during the moratorium;

(**a**) Section 64A was inserted by paragraph 31(3) of Schedule 3 to the Corporate Insolvency and Governance Act 2020 (c.12).
(**b**) Section 233B was inserted by section 14 of the Corporate Insolvency and Governance Act 2020 (c.12).

(c) other debts or other liabilities apart from the monitor's remuneration or expenses; and

(d) the monitor's remuneration or expenses.".

Amendment of Part 6 of the Insolvency Rules

28.—(1) Rule 6.4 (additional requirements as to statement of affairs) is amended as follows.

(2) In paragraph (1), after "must also contain" insert "the following, and, in addition, where paragraph (1B) applies, the information specified in that paragraph".

(3) After paragraph (1) insert—

"(1A) Paragraph (1B) applies if a moratorium under Part A1 of the Act is, or has been, in force for the company at any time within the period of 12 weeks ending with the day on which the resolution for a voluntary winding up is passed.

(1B) Where this paragraph applies the statement of affairs must identify which of the debts owed by the company are—

(a) moratorium debts, and

(b) priority pre-moratorium debts,

within the meaning given by section 174A; and

(c) sub-paragraph (1)(c)(iv) has effect as if the reference to preferential creditors included references to moratorium debts and priority pre-moratorium debts within the meaning given by section 174A.

(d) sub-paragraph (1)(d)(i), (ii) and (vii) has effect as if the reference to preferential debts included references to moratorium debts and priority pre-moratorium debts within the meaning given by section 174A.".

29. After rule 6.23 (advertisement of appointment) insert—

"**Additional requirements as to advertisement where moratorium under Part A1 of the Act in force**

6.23A.—(1) This rule applies in the case of a voluntary winding up where, immediately before the company goes into liquidation, a moratorium under Part A1 of the Act is in force for that company.

(2) Where this rules applies the liquidator must, in addition to delivering a notice of the appointment in accordance with section 109(1), deliver notice of the liquidator's appointment to the monitor.

(3) Notice under this rule must be given within the period of 14 days beginning with the day on which the liquidator is appointed.".

30. After rule 6.42 (general rule as to priority) insert—

"**Priority of moratorium debts in subsequent winding up**

6.42A. Where section 174A applies the moratorium debts and priority pre-moratorium debts mentioned in subsection (2)(b) of that section are payable in the following order of priority—

(a) amounts payable in respect of goods or services supplied during the moratorium under a contract where, but for section 233B(3) or (4), the supplier would not have had to make that supply;

(b) wages or salary arising under a contract of employment;

(c) other debts or other liabilities apart from the monitor's remuneration or expenses; and

(d) the monitor's remuneration or expenses.".

31. In rule 6.44 (interpretation), in paragraph (1), in the definition of "the creditor" before (a) insert—

"(za) a creditor in respect of a debt which is a moratorium debt or a priority pre-moratorium debt within the meaning given by section 174A;".

32. In rule 6.46 (request for approval or authorisation), for paragraph (4)(c) substitute—

"(c) notice to—

(i) each preferential creditor, and

(ii) each creditor of the kind described in rule 6.44(1)(za),

that approval or authorisation of the specified amount will be taken to be given where a majority in value of those creditors referred to in sub-paragraphs (i) and (ii) who respond within the specified time limit are in favour of it; or".

33.—(1) Rule 6.47 (grant of approval or authorisation) is amended as follows.

(2) For paragraph (3) substitute—

"(3) Paragraph (3A) applies where the liquidator requires the approval or authorisation of—

(a) two or more—

(i) preferential creditors, or

(ii) creditors of the kind described in rule 6.44(1)(za); or

(b) one or more preferential creditors together with one or more creditors of the kind described in rule 6.44(1)(za).".

(3) After paragraph (3) insert—

"(3A) Where this paragraph applies approval or authorisation will be taken to be given where a majority in value of those creditors referred to in sub-paragraph (3)(a)(i) or (ii) or sub-paragraph (3)(b) (as the case may be) who respond within the specified time approve or authorise—

(a) the specified amount; or

(b) a different amount which the liquidator considers sufficient.".

(4) For paragraph (4) substitute—

"(4) Where a majority in value of—

(a) two or more—

(i) preferential creditors, or

(ii) creditors of the kind described in rule 6.44(1)(za); or

(b) one or more preferential creditors together with one or more creditors of the kind described in rule 6.44(1)(za),

propose an amount other than that specified by the liquidator, they will be taken to have approved or authorised an amount equal to the lowest of the amounts so proposed.".

Amendment of Part 7 of the Insolvency Rules

34.—(1) Rule 7.5 (contents of petition) is amended as follows.

(2) In paragraph (1), after "contain" insert "the following, and, in addition, where paragraph (1B) applies, the information specified in that paragraph".

(3) After paragraph (1) insert—

"(1A) Paragraph (1B) applies if a moratorium under Part A1 is in force.

(1B) Where this paragraph applies the petition must contain—

(a) a statement that a moratorium under Part A1 of the Act is in force for the company;

(b) a statement as to which of the permitted exceptions to the restriction on winding up during a moratorium specified in section A20 applies; and

(c) the name and contact details of the monitor.".

35. In rule 7.11 (persons entitled to request a copy of petition), for "or creditor" substitute "creditor, or, (if a moratorium under Part A1 of the Act is in force for the company), the monitor".

36. In rule 7.22 (delivery and notice of the order), for paragraph (2)(b) substitute—

"(b) a copy of the order to—

(i) the registrar of companies (in compliance with section 130(1)); and

(ii) if a moratorium under Part A1 of the Act was in force for the company at the time the petition for the winding up of the company was presented, the monitor.".

37. In rule 7.33 (application for appointment of provisional liquidator (section 135)), before paragraph (2)(d)(i) insert—

"(zi)a moratorium under Part A1 of the Act is in force for the company;".

38. In rule 7.35 (order of appointment of provisional liquidator), after paragraph (4) insert—

"(4A) Where a moratorium under Part A1 of the Act is in force for the company the official receiver or other person appointed as provisional liquidator must as soon as reasonably practicable deliver a sealed copy of the order to the monitor.".

39. In rule 7.39 (termination of appointment), for paragraph (4)(a) substitute—

"(a) must be delivered as soon as reasonably practicable to—

(i) the registrar of companies; and

(ii) if a moratorium under Part A1 of the Act is in force for the company, the monitor;".

40.—(1) Rule 7.41 (statement of affairs) is amended as follows.

(2) In paragraph (1), after "contain" insert "the following, or, where paragraph (1B) applies, the information specified in that paragraph".

(3) After paragraph (1) insert—

"(1A) Paragraph (1B) applies if a moratorium under Part A1 of the Act is or has been in force for the company at any time within the period of 12 weeks ending with the day on which the winding up petition is presented.

(1B) Where this paragraph applies the statement of affairs must contain—

(a) the matters specified in paragraph (1)(a) to (e) and (g); and

(b) the information specified in paragraph (1)(f) but with the modifications specified in paragraph (1C).

(1C) The modifications referred to in paragraph (1B)(b) are that—

(a) the summary of the liabilities of the company must, in addition, set out which of the debts owed by the company are—

(i) moratorium debts, and

(ii) priority pre-moratorium debts,

within the meaning given by section 174A, and

(b) sub-paragraph 1(e)(iv) has effect as if the reference to preferential creditors included references to moratorium debts and priority pre-moratorium debts within the meaning given by section 174A.

(c) paragraph (1)(f)(i), (ii) and (vii) has effect as if the reference to preferential debts included references to moratorium debts and priority pre-moratorium debts within the meaning given by section 174A.".

41.—(1) Rule 7.108 (general rule as to priority) is amended as follows.

(2) After paragraph (1) insert—

"(1A) The costs of an application by the liquidator under rule 1A.27 are to be treated as an expense of the winding up unless the court orders otherwise.".

(3) In paragraph (4), after "as provided in" insert "paragraphs (5) and (6), rule 7.108A, and".

(4) After paragraph (4) insert—

"(5) This paragraph applies where—

(a) a moratorium has been in force for a company under Part A1 of the Act,

(b) proceedings for the winding up of the company are begun before the end of the period of 12 weeks beginning with the day after the end of the moratorium, and

(c) there are claims in respect of any prescribed fees or expenses of the official receiver which, in accordance with section 174A(2), fall to be paid in preference to all other claims.

(6) Where paragraph (5) applies, then, in consequence of those claims of the official receiver falling to be paid in preference to all other claims by virtue of section 174A(2), the order of priority referred to in paragraph (4) is modified as follows—

(a) sub-paragraph (a)(ii) is omitted in relation to any expenses chargeable or incurred by the official receiver,

(b) sub-paragraph (a)(iii) and (iv) are omitted, and

(c) sub-paragraphs (b) to (d) are omitted in relation to any expenses incurred by, or fee payable to, the official receiver.".

42. After rule 7.108 insert—

"**Priority of moratorium debts in subsequent winding up**

7.108A.—(1) Where section 174A applies the moratorium debts and priority pre-moratorium debts mentioned in subsection (2)(b) of that section are payable in the following order of priority—

(a) amounts payable in respect of goods or services supplied during the moratorium under a contract where, but for section 233B(3) or (4), the supplier would not have had to make that supply,

(b) wages or salary arising under contract of employment,

(c) other debts or other liabilities apart from the monitor's remuneration or expenses, and

(d) the monitor's remuneration or expenses.".

43. In rule 7.111 (interpretation), in the definition of "the creditor" before (a) insert—

"(za) a creditor in respect of a debt which is a moratorium debt or a priority pre-moratorium debt within the meaning given by section 174A;".

44. In rule 7.114 (request for approval or authorisation), for paragraph (4)(c) substitute—

"(c) notice to—

(i) each preferential creditor, and

(ii) each creditor of the kind described in rule 7.111(za),

that approval or authorisation of the specified amount will be taken to be given where a majority in value of those creditors referred to in sub-paragraphs (i) and (ii) who respond within the specified time limit are in favour of it; or".

45.—(1) Rule 7.115 (grant of approval or authorisation) is amended as follows.

(2) For paragraph (3) substitute—

"(3) Paragraph (3A) applies where the liquidator requires the approval or authorisation of—

(a) two or more—

(i) preferential creditors, or

(ii) creditors of the kind described in rule 7.111(za); or

(b) one or more preferential creditors together with one or more creditors of the kind described in rule 7.111(za).".

(3) After paragraph (3) insert—

"(3A) Where this paragraph applies approval or authorisation will be taken to be given where a majority in value of those creditors referred to in sub-paragraphs (3)(a)(i) or (ii) or (3)(b) (as the case may be) who respond within the specified time limit approve or authorise—

(a) the specified amount; or

(b) a different amount which the liquidator considers sufficient.".

(4) For paragraph (4) substitute—

"(4) Where a majority in value of—

(a) two or more—

(i) preferential creditors, or

(ii) creditors of the kind described in rule 7.111(za); or

(b) one or more preferential creditors together with one or more creditors of the kind described in rule 7.111(za),

propose an amount other than that specified by the liquidator, they will be taken to have approved or authorised an amount equal to the lowest of the amounts so proposed.".

Amendment of Part 12 of the Insolvency Rules

46. In rule 12.9 (service or delivery of application), for paragraph (1) substitute—

"(1) The applicant must serve a sealed copy of the application, endorsed with the venue for the hearing on—

(a) the respondent named in the application; and

(b) where an application is made under Part A1 of the Act relating to a regulated company within the meaning given by section A49, the appropriate regulator (within the meaning given by that section),

unless the court directs or these Rules provide otherwise.".

47. In rule 12.29 (evidence provided by the official receiver, an insolvency practitioner or a special manager), in paragraph (3)—

(a) in sub-paragraph (e) omit "and";

(b) in sub-paragraph (f) after "special manager" insert "; and"; and

(c) after sub-paragraph (f) insert—

"(g) a monitor.".

48. In rule 12.36 (power to make a block transfer order), in paragraph (2)—

(a) in sub-paragraph (c) omit "or";

(b) in sub-paragraph (d) after "IVA" insert "; or"

(c) after sub-paragraph (d) insert—

"(e) a monitor in respect of a moratorium under Part A1 of the Act.".

49.—(1) Rule 12.37 (application for a block transfer order) is amended as follows.

(2) In paragraph (2) before sub-paragraph (a) insert—

"(za) section A39 (moratorium under Part A1 of the Act);".

(3) In paragraph (3) before sub-paragraph (a) insert—

"(za) section A39 (moratorium under Part A1 of the Act);".

50.—(1) Rule 12.48 (application for costs) is amended as follows.

(2) In paragraph (2), for sub-paragraph (a) substitute—

"(a) in proceedings other than those relating to a debt relief order, on the office-holder and—

(i) in a winding up by the court or a bankruptcy, on the official receiver; or

(ii) in proceedings under Part A1 of the Act, on the company to which the moratorium relates; or".

51.—(1) Rule 12.52 (orders enforcing compliance) is amended as follows.

(2) In paragraph (1), before sub-paragraph (a) insert—

"(za) section A36 (provision of information to monitor);".

(3) In paragraph (2), before sub-paragraph (a) insert—

"(za) under section A36, the monitor;".

Amendment of Part 14 of the Insolvency Rules

52. In the heading of Part 14, after "creditors in" insert "a moratorium,".

53.—(1) Rule 14.1 (interpretation) is amended as follows.

(2) In paragraph (1), after "applies to" insert "decision procedures in respect of a moratorium under Part A1 of the Act,".

(3) In paragraph (2), after "apply to" insert "decision procedures in respect of a moratorium under Part A1 of the Act,".

(4) In paragraph (3)—

(a) in the definition of "debt" after "in relation to" insert "decision procedures in respect of a moratorium under Part A1 of the Act,";

(b) in the definition of "relevant date" before paragraph (a) insert—

"(za) in the case of decision procedures in respect of a moratorium under Part A1 of the Act, the date of the decision procedure;".

(5) After paragraph (3) insert—

"(3A) For the purpose of decision procedures in respect of a moratorium under Part A1 of the Act references in this Part to an "office-holder" are treated as references to the "convener"."

(6) In paragraph (4) after—

(a) "Rules about" insert "moratoriums under Part A1 of the Act,"; and

(b) "provable in" insert "the moratorium".

(7) In paragraph (5), after "Rules about" insert "moratoriums under Part A1 of the Act".

(8) In paragraph (6), after "Rules about" insert "moratoriums under Part A1 of the Act".

54. In the heading of Chapter 2 of Part 14, after "Creditor's claims in" insert "a moratorium,".

55.—(1) Rule 14.14 (administration and winding up: estimate of value of debt) is amended as follows.

(2) In the heading, for "Administration" substitute "Moratorium, administration".

(3) In paragraph (1), before "an administration" insert "the case of a decision procedure in respect of a moratorium under Part A1 of the Act,".

56. In rule 14.16 (secured creditor: surrender for non-disclosure), before paragraph (1) insert—

"(A1) This rule does not apply where a proof is submitted for the purpose of a decision procedure in respect of a moratorium under Part A1 of the Act.".

57. In rule 14.17 (secured creditor: redemption by office-holder), before paragraph (1) insert—

"(A1) This rule does not apply where a proof is submitted for the purpose of a decision procedure in respect of a moratorium under Part A1 of the Act.".

58. In rule 14.18 (secured creditor: test of security's value), before paragraph (1) insert—

"(A1) This rule does not apply where a proof is submitted for the purpose of a decision procedure in respect of a moratorium under Part A1 of the Act.".

59. In rule 14.23 (interest), in paragraph (4)(a), after "in respect of" insert "a decision procedure in respect of a moratorium under Part A1 of the Act,".

60. After rule 14.23 insert—

"**Moratoriums under Part A1 of the Act: mutual dealings and set off**

14.23A.—(1) This rule applies for the purposes of a decision procedure in respect of a moratorium under Part A1 of the Act.

(2) An account must be taken of what is due from the company and the creditor to each other in respect of their mutual dealings and the sums due from the one must be set off against the sums due from the other.

(3) If there is a balance owed to the creditor then only that balance is provable for the purposes of the decision procedure.

(4) For the purpose of this rule, "mutual dealings" means mutual credits, mutual debts or other mutual dealings between the company and a creditor proving or claiming to prove for a debt in the decision procedure but—

(a) in the case of a decision under section A11, only includes those debts which are pre-moratorium debts within the meaning given by section A53, and

(b) in the case of a decision which is required by virtue of an order under section A44(3), only includes those debts which are pre-moratorium debts (within the meaning given by section A53) unless the court orders otherwise.

(5) A sum must be treated as being due to or from the company for the purposes of paragraph (2) whether—

(a) it is payable at present or in the future,

(b) the obligation by virtue of which it is payable is certain or contingent, or

(c) its amount is fixed or liquidated, or is capable of being ascertained by fixed rules or as a matter of opinion.

(6) For the purposes of this rule—

(a) rule 14.14 applies to an obligation which, by reason of its being subject to a contingency or for any other reason, does not bear a certain value, and

(b) rules 14.21 to 14.23 apply to sums due to the company which—

(i) are payable in a currency other than sterling,

(ii) are of a periodical nature, or

(iii) bear interest.".

61. In rule 14.28 (Gazette notice of intended first dividend or distribution), in paragraph (2), after "preferential creditors" insert "or creditors in respect of a debt which is a moratorium debt or priority pre-moratorium debt within the meaning given by section 174A".

62.—(1) Rule 14.29 (individual notices to creditors etc. of intended dividend or distribution) is amended as follows.

(2) For paragraph (2) substitute—

"(2) Paragraph (2A) applies where the intended dividend is only for one or both of the following—

(a) preferential creditors, or

(b) creditors in respect of a debt which is a moratorium debt or a priority pre-moratorium debt within the meaning given by section 174A.".

(3) After paragraph (2) insert—

"(2A) Where this paragraph applies the office-holder is only required to deliver the notice to those creditors referred to in sub-paragraph (2)(a) or (b) for whom the dividend is intended.".

63.—(1) Rule 14.35 (Notice of declaration of a dividend) is amended as follows.

(2) In paragraph (1), after "paragraph (5)" insert "and (6)".

(3) For paragraph (5) substitute—

"(5) Paragraph (6) applies where the office-holder declares a dividend which is only for one or both of the following—

(a) preferential creditors, or

(b) creditors in respect of a debt which is a moratorium debt or priority pre-moratorium debt within the meaning given by section 174A.".

(4) After paragraph (5) insert—

"(6) Where this paragraph applies the notice under paragraph (1) need only be delivered to those creditors referred to in sub-paragraph (5)(a) or (b) (as the case may be) who have proved for their debts.".

Amendment of Part 15 of the Insolvency Rules

64. In rule 15.2 (interpretation), in paragraph (1), at the appropriate place insert ""creditor", in relation to a decision procedure under section A11 (extension by directors with creditor consent), means a creditor who is a pre-moratorium creditor within the meaning given by section A12;"

65. In rule 15.6 (physical meetings), in paragraph (1), after "business days" insert "or, in the case of a decision procedure in respect of a moratorium under Part A1 of the Act, three days".

66. In rule 15.8 (notices to creditors of decision procedure), at the beginning of paragraph (3)(f) and paragraph (3)(g), insert "except in the case of a decision procedure in respect of a moratorium under Part A1 of the Act".

67. In rule 15.9 (voting in a decision procedure), in paragraph (2), before "an administration" insert "a decision procedure in respect of a moratorium under Part A1 of the Act,".

68. In rule 15.11 (notice of decision procedures or of seeking deemed consent: when and to whom delivered), in the table in paragraph (1), before the entry for "administration" insert—

"moratorium under Part A1 of the Act	decision of pre-moratorium creditors under section A11 and decision of creditors required by virtue of	in the case of a decision under section A11 the pre-moratorium creditors, or, where the decision is	5 days".

	an order under section A44(3)	required by virtue of an order under section A44(3), the creditors

69. In rule 15.14 (notice to company officers, bankrupts etc. in respect of meetings), in paragraph (1), before "a proposal for a CVA" insert "a decision procedure in respect of a moratorium under Part A1 of the Act,".

70. In rule 15.23 (adjournment by chair), in paragraph (1), after "rule" insert "15.23A or".

71. After rule 15.23 insert—

"**Adjournment of meeting in, or for the purposes of, a moratorium under Part A1 of the Act**

15.23A.—(1) This rule applies where a meeting is for the purpose of a decision procedure in respect of a moratorium under Part A1 of the Act.

(2) Where this rule applies the chair may, (and must if it is so resolved), adjourn a meeting.

(3) A meeting may be adjourned under this rule on more than one occasion.

(4) An adjournment under this rule—

(a) must not be—

(i) for a period which is more than 14 days, or

(ii) to a date which is more than 14 days after the first day on which the meeting was held, and

(b) where a meeting is for the purpose of seeking a decision of creditors to a revised end date for a moratorium under section A11, must be to a date which is before the end of the moratorium(**a**).

(5) This rule is subject to any direction of the court.".

72. In rule 15.25 (adjournment in absence of chair), in paragraph (1), before "an administration" insert "a decision procedure in respect of a moratorium under Part A1 of the Act,".

73. In rule 15.26 (proofs in adjournment), before "in an administration", insert "for the purpose of a decision procedure in respect of a moratorium under Part A1 of the Act or,".

74. In rule 15.28 (creditors' voting rights), before paragraph (1) insert—

"(A1) In a decision procedure in respect of a moratorium under Part A1 of the Act a creditor is entitled to vote only if the requirements in paragraph (1)(a) to (c) are satisfied in relation to that decision procedure.".

75.—(1) Rule 15.31 (calculation of voting rights) is amended as follows.

(2) Before paragraph (1)(a) insert—

"(za) in a decision procedure in respect of a moratorium under Part A1 of the Act, as at the decision date;".

(3) In paragraph (1)(d)—

(a) for sub-paragraph (iii) substitute—

"(iii) where (i) and (ii) do not apply, at the decision date;"; and

(**a**) Section A9 makes provision specifying the time at which the moratorium comes to an end in cases where the moratorium has not previously been extended and section A11 makes provisions specifying the time at which the moratorium comes to an end in cases where the moratorium has previously been extended.

(b) omit sub-paragraph (iv).

(4) In paragraph (3), before "a proposed CVA" insert "a decision procedure in respect of a moratorium under Part A1 of the Act,".

(5) For paragraph (6) substitute—

"(6) However, the value of the debt for voting purposes is its full value without deduction of the value of the security in the following cases—

(a) where, in respect of a moratorium under Part A1 of the Act, there is a decision of pre-moratorium creditors on whether to extend or further extend that moratorium under section A11; and

(b) where the administrator has made a statement under paragraph 52(1)(b) of Schedule B1 and the administrator has been requested to seek a decision under paragraph 52(2).".

76. In rule 15.32 (calculation of voting rights: special cases), before paragraph (1) insert—

"(A1) In a decision procedure in respect of a moratorium under Part A1 of the Act, a creditor under a hire-purchase agreement is entitled to vote in respect of the debt due and payable by the company at the decision date.

(B1) In calculating the amount of any debt for the purpose of paragraph (A1) no account is to be taken of any amount attributable to the exercise of any right under the relevant agreement so far as the right has become exercisable solely by virtue of a moratorium for the company coming into force."

77.—(1) Rule 15.34 (requisite majorities) is amended as follows.

(2) After paragraph (1) insert—

"(1A) Subject to paragraphs (1B) and (1D), a decision in respect of a moratorium under Part A1 of the Act is made when a majority (in value) of those voting have voted in favour of the proposed decision.

(1B) A decision is not made if, of the total number of those creditors voting in respect of the proposed decision who are, to the best of the convener's belief, unconnected with the company, a majority vote against it.

(1C) For the purpose of paragraph (1B) a creditor is unconnected unless the convener decides that the creditor is connected.

(1D) In the case of a decision which is required by virtue of an order under section A44(3) paragraphs (1A) and (1B) have effect subject to such modifications as may be set out in the court's order.".

(3) For paragraph (3) substitute—

"(3) In the case of a proposed CVA a decision approving a proposal or a modification is made when three-quarters or more (in value) of those responding vote in favour of it.".

78.—(1) Rule 15.35 (appeals against decisions under this Chapter) is amended as follows.

(2) At the beginning of paragraph (3), for "If the" substitute "In respect of a decision, other than one which is taken, or required, under Part A1 of the Act (as to which see paragraphs (3A) and (3B) if that".

(3) After paragraph (3) insert—

"(3A) Subject to paragraph (3B), on an appeal against a decision taken, or required, under Part A1 of the Act a court may—

(a) reverse the decision;

(b) vary the decision;

(c) declare certain votes to be invalid; or

(d) make such other order as it sees fit.

(3B) A court must not make an order of the kind referred to in paragraph (3A)(a) to (c) if—

(a) it is satisfied that the circumstances which led to the appeal did not give rise to unfair prejudice or material irregularity, or

(b) the decision was taken at a time when the moratorium was in force, and that moratorium has subsequently come to an end.".

Amendment of Schedule 4 to the Insolvency Rules

79. In Schedule 4, in the table of requirements for service, before the entry for rule 3.8 insert—

"1A.28(a) and 1A.30 (& section A21)	Application for permission of the court under section A21 to take enforcement action or to bring legal proceedings against the company during a moratorium	Claim form	The applicant must serve the application.
1A.28(b) and 1A.30 (& section A31)	Application for permission of the court under section A31 to dispose of charged property free from charge during a moratorium	Claim form	The applicant must serve the application.
1A.28(c) and 1A.30 (& section A32)	Application for permission of the court under section A32 to dispose of hire-purchase property during a moratorium	Claim form	The applicant must serve the application.
1A.28(d) and 1A.30 (& section A37)	Application by monitor for directions	Claim form	The applicant must serve the application.
1A.28(e) and 1A.30 (& section A39)	Replacement of monitor or appointment of additional monitor	Claim form	The applicant must serve the application.
1A.28(f) and1A.30 (& section A42)	Challenge to monitor's actions	Claim form	The applicant must serve the application.
1A.28(g) and 1A.30 (& section A43)	Challenges to monitor remuneration in insolvency proceedings	Claim form	The applicant must serve the application.
1A.28(h) and1A.30 (& section A44)	Challenge to directors' actions	Claim form	The applicant must serve the application.".

PART 4

Minor amendments of the Insolvency Rules

80. Schedule 1 makes minor amendments of the Insolvency Rules to do with moratoriums under Part A1 of the Insolvency Act 1986.

81. Schedule 2 makes amendments of the Insolvency Rules in consequence of the repeal of Schedule A1 to the Insolvency Act 1986(**a**).

Signed by authority of the Lord Chancellor

David Wolfson
Parliamentary Under Secretary of State
6th September 2021 Ministry of Justice

I concur

Burnett of Maldon
26th August 2021 Lord Chief Justice

I concur, on behalf of the Secretary of State

Callanan
Parliamentary Under Secretary of State
8th September 2021 Department for Business, Energy and Industrial Strategy

SCHEDULE 1

Rule 80

Minor amendments

[Note: in rule 1.2 (defined terms), in the Note appearing after the definition of "convener", for "Part 1" substitute "Part A1".]

1. The Insolvency Rules are amended as follows.

2. In the provisions of the Insolvency Rules specified in the first column in the Table in paragraph (3), at the appropriate place, (as specified in the third column in the Table), for "Part 1" substitute "Part A1".

3. This is the Table referred to in paragraph 2—

Insolvency Rules	*Topic*	*Appropriate place*
Rule 1.1	Scope	In both places it occurs.
Rule 1.2	Defined terms	In the definition of "business day" and "the Gazette".
Rule 1.28	Standard contents of notices to be delivered to persons other than the registrar of companies	In paragraph (1).
Rule 1.35	Standard contents and authentication of applications to the court under Parts 1 to 11 of the Act	In— (a) the heading, and (b) paragraph (1).
Rule 1.54	Right to copies of documents	In the place it occurs.

(**a**) Schedule A1 was repealed by paragraph 30 of Schedule 3 to the Corporate Insolvency and Governance Act 2020.

Rule 12.1	Court rules and practice to apply	In paragraph (1).
Rule 12.3	Commencement of insolvency proceedings under Parts 1 to 7 of the Act (corporate insolvency proceedings)	In— (a) the heading, and (b) paragraph (1).
Rule 12.39	The court file	In paragraph (4)(a).
Rule 12.59	Appeals and reviews of court orders in corporate insolvency	In both places it occurs.
Schedule 6	Insolvency jurisdiction of county court hearing centres	In each place it occurs.

SCHEDULE 2

Rule 81

Amendments in consequence of the repeal of Schedule A1 to the Insolvency Act 1986

1. The Insolvency Rules are amended as follows.

2. In the provisions in the Insolvency Rules specified in the first column in the Table in paragraph 3, at the appropriate place (as specified in the third column in the Table), the amendments specified in the fourth column in the Table have effect.

3. This is the Table referred to in paragraph (2)—

Insolvency Rules	*Topic*	*Appropriate place*	*Amendment*
Rule 1.2	Defined terms	In paragraph (2) in the definition of "the Act"	For "Schedule A1" substitute "Schedule ZA1, ZA2,".
		In paragraph (2) in the definition of "hire-purchase agreement"	Omit the words from "purposes of the Act and" to "Schedule B1".
Rule 1.20	Registrar of companies: covering notices	In paragraph (1)(m)(iv)	Omit the words after "sections 4(6) and 6A".
Rule 1.21	Standard contents of all documents	In paragraph (1)(b)(ii)	Omit "A1 or".
Rule 1.27	Standard contents of documents relating to other events	In sub-paragraph (a)	Omit "A1 or"
Rule 1.29	Standard contents of all notices	In sub-paragraph (d)	Omit "A1 or"
Rule 2.3	Proposal: contents	In the table in paragraph (1)	In sub-paragraph (v) omit "or paragraph 37(2)(b)(ii) of Schedule A1".
Chapter 3 of Part 2	Procedure for a CVA without a moratorium	In the heading	Omit "without a moratorium".
Chapter 4 of Part 2 (rules 2.11 to 2.24)	Procedure for a CVA with a moratorium		Omit
Rule 2.29	Creditors' approval of modified proposal		Omit
Rule 2.37	Notice of order made under section 4A(6) or	In the heading and paragraph (1)	Omit the words after "section 4A(6)".

	paragraph 36(5) of Schedule A1		
Rule 2.38	Report of consideration of proposal under section 4(6) and (6A) or paragraph 30(3) and (4) of Schedule A1	In the heading	Omit the words after "section 4(6) and (6A)".
		In paragraph (1)	Omit "or paragraph 30(3) and (4) of Schedule A1".
		In paragraph (6)	Omit "or paragraph 36 of Schedule A1".
Rule 2.39	Hand-over of property etc. to supervisor	In paragraph (1)	Omit "or paragraph 36 of Schedule A1".
Rule 2.40	Revocation or suspension of CVA	In paragraph (1)	Omit the words after "section 6".
		In paragraph (4)	Omit "or under paragraph 38(4)(b) or (c) of Schedule A1".
Rule 2.43	Fees and expenses	In sub-paragraph (a)	Omit the words after "section 4A".
Rule 7.8	Court to which petition is to be presented where the company is subject to a CVA or is in administration	In paragraph (1)	Omit the words after "submitted".
Rule 12.37	Application for a block transfer order	In paragraphs (2)(a) and (3)(a)	Omit the words after "section 7(5)".
Rule 15.11	Notice of decision procedures or of seeking deemed consent: when and to whom delivered	In the table in paragraph (1) in the fourth column of the entry for "proposed CVA"	Omit the words from "7 days for a decision on proposed modifications" up to and including "Schedule A1;".
Rule 15.23	Adjournment by chair	Paragraph (3)	Omit
Rule 15.35	Appeals against decisions under this Chapter	In paragraph (5)(a)	Omit "or paragraph 30(3) of Schedule A1".

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Insolvency (England and Wales) Rules 2016 (SI 2016/1024) ("the 2016 Rules") in connection with the introduction of the new moratorium procedure in Part A1 of the Insolvency Act 1986 (c.45) ("the 1986 Act") and the repeal of Schedule A1 to that Act.

Section 1 of the Corporate Insolvency and Governance Act 2020 (c.12) ("CIGA 2020") inserted a new Part A1 into the 1986 Act. Part A1 provides for a moratorium ("the moratorium") which enables an eligible company to obtain certain protections from creditors. Schedule 4 to CIGA 2020 contains temporary rules for the purpose of the moratorium. Those temporary rules were enacted so that the moratorium could be given immediate effect pending the making of these Rules. In addition, section 2 of CIGA 2020 repealed Schedule A1 to the 1986 Act. Schedule A1 contained provision for a different form of moratorium which was superseded by the coming into force of the moratorium.

These Rules are in four Parts. Part 1 contains introductory provision dealing with the coming into force and territorial extent of the Rules. Rules 4 and 5 make saving provision for cases where the moratorium, (or a moratorium under Schedule A1 to the 1986 Act), is in effect, (or, in certain cases, an application for a moratorium has been made), at the time these Rules come into force. If that is the case then the amendments made by these Rules do not apply; instead the rules that applied at the time that the moratorium first came into effect, (or the application for the moratorium was made), continue to apply for the life of that moratorium.

Part 2 of these Rules inserts a new Part into the 2016 Rules setting out the detailed procedures for the conduct of the moratorium; it specifies the content and timing of the various notifications that are required to be given in connection with the obtaining, coming into force, extension and termination of the moratorium.

Part 3 of these Rules makes consequential amendments to Parts 1 to 4, 6 and 7, 12, 14 and 15 of, and Schedule 4 to, the 2016 Rules. These consequential amendments deal with matters such as: the notifications that must be given where a company enters another form of insolvency procedure during a moratorium; the identification of debts incurred during a moratorium which are required under the 1986 Act to have priority in subsequent insolvency procedures; and changes to rules concerning court procedure and creditors' decision-making which are intended to be of general application so as to ensure that they also cover moratoriums.

Part 4 of these Rules introduces Schedules 1 and 2. Those Schedules make minor and consequential textual modifications to the 2016 Rules. Schedule 1 makes a minor modification to various provisions in the 2016 Rules which are of general application to insert a reference to the moratorium while Schedule 2 removes references in the 2016 Rules to Schedule A1 which are no longer needed following the repeal of Schedule A1.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An explanatory memorandum has been published alongside this instrument at www.legislation.gov.uk .

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