
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 12

COURT PROCEDURE AND PRACTICE

CHAPTER 2

Commencement of insolvency proceedings in the County Court

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

Commencement of insolvency proceedings under Parts 1 to 7 of the Act (corporate insolvency proceedings)

12.3.—(1) Where section 117(1) of the Act, as extended in its application by section 251, gives jurisdiction to the County Court in respect of proceedings under Parts 1 to 7 of the Act any such proceedings when they are commenced in the County Court may only be commenced in the hearing centre which serves the area in which the company's registered office is situated.

(2) However if the registered office is situated in an area served by a hearing centre for which Schedule 6 lists an alternative court or hearing centre then any such proceedings in the County Court may only be commenced in that alternative court or hearing centre.

Commencement of insolvency proceedings under Parts 7A to 11 of the Act (personal insolvency proceedings; bankruptcy)

12.4.—(1) Proceedings under Parts 7A(2) to 11 of the Act that are allocated in accordance with rule 12.5 to the London Insolvency District when they are commenced in the County Court may only be commenced in the County Court at Central London.

(2) Elsewhere such proceedings when they are commenced in the County Court may only be commenced in the hearing centre determined in accordance with these Rules.

(3) However if the hearing centre so determined is one for which Schedule 6 lists an alternative hearing centre then such proceedings when they are commenced in the County Court may only be commenced in that alternative hearing centre.

Allocation of proceedings to the London Insolvency District

12.5. The following proceedings are allocated to the London Insolvency District—

-
- (1) Section 117 is amended by regulation 6 of [S.I. 2002/1240](#); by paragraphs 185 and 186 of Schedule 4 to the Constitutional Reform Act 2005 ([c.4](#)); and by paragraph 93(a) and 93(b) of Schedule 9 to the Crime and Courts Act 2013 ([c.22](#)). Section 117 only gives jurisdiction to the County Court in relation to winding up proceedings. In so far as rule 12.2 relates to corporate insolvency proceedings under Parts 1 to 7 other than winding up proceedings the rule relies on section 251 of the Act which defines "court" for the purposes of Parts 1 to 7 of the Act as meaning in relation to a company the court that has jurisdiction to wind up the company.
- (2) Part 7A is inserted by Schedule 17 to the Tribunals, Courts and Enforcement Act 2007 ([c.15](#)).

- (a) bankruptcy petitions or applications in relation to a debt relief order under section 251M (powers of court in relation to debt relief orders) or 251N (inquiry into debtor's dealings and property) where—
 - (i) the debtor is resident in England and Wales and within the six months immediately preceding the presentation of the petition or the making of the application the debtor carried on business within the area of the London Insolvency District—
 - (aa) for the greater part of those six months, or
 - (bb) for a longer period in those six months than in any other insolvency district,
 - (ii) the debtor is resident in England and Wales and within the six months immediately preceding the presentation of the petition or the making of the application the debtor did not carry on business in England and Wales but resided within the area of the London Insolvency District for—
 - (aa) the greater part of those six months, or
 - (bb) a longer period in those six months than in any other insolvency district,
 - (iii) the debtor is not resident in England and Wales but within the six months immediately preceding the presentation of the petition or the making of the application carried on business within the area of the London Insolvency District,
 - (iv) the debtor is not resident in England and Wales and within the 6 months immediately preceding the presentation of the petition or the making of the application did not carry on business in England and Wales but resided within the area of the London Insolvency District, or
 - (v) the debtor is not resident in England and Wales and within the 6 months immediately preceding the presentation of the petition or the making of the application the debtor neither carried on business nor resided in England and Wales;
- (b) creditors' bankruptcy petitions presented by a Minister of the Crown or a Government Department, where either—
 - (i) in any statutory demand on which the petition is based the creditor has indicated the intention to present a bankruptcy petition to a court exercising jurisdiction in relation to the London Insolvency District, or
 - (ii) the petition is presented under section 267(2)(c) on the grounds specified in section 268(1)(b);
- (c) bankruptcy petitions—
 - (i) where the petitioner is unable to ascertain the place where the debtor resides or, if the debtor carries on business in England and Wales, both where the debtor resides and where the debtor carries on business, or
 - (ii) where the debtor is a member of a partnership and—
 - (aa) the partnership is being wound up by the High Court sitting in London; or
 - (bb) a petition for the winding up of the partnership has been presented to the High Court sitting in London and at the time of the presentation of the bankruptcy petition, the petition for the winding up of the partnership has not been fully disposed of; and
- (d) bankruptcy petitions based on criminal bankruptcy orders under section 264(1)(d).