
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 12

COURT PROCEDURE AND PRACTICE

CHAPTER 6

Transfer of proceedings

Sub-division A : General

General power of transfer

12.30.—(1) The High Court may order insolvency proceedings which are pending in that court to be transferred to a specified hearing centre.

(2) The County Court may order insolvency proceedings which are pending in a hearing centre to be transferred either to the High Court or another hearing centre.

(3) A judge of the High Court may order insolvency proceedings which are pending in the County Court to be transferred to the High Court.

(4) The court may order a transfer of proceedings—

- (a) of its own motion;
- (b) on the application of the official receiver; or
- (c) on the application of a person appearing to the court to have an interest in the proceedings.

(5) Winding-up proceedings may only be transferred to a hearing centre in which proceedings to wind up companies may be commenced under the Act or to the County Court at Central London.

(6) Bankruptcy proceedings or proceedings relating to a debt relief order may only be transferred to a hearing centre in which bankruptcy proceedings may be commenced under the Act.

(7) A case in a schedule under rule 12.37(8) may be transferred solely for the purposes of rule 12.38 (action following application for a block transfer order) by—

- (a) the registrar to or from the High Court; and
- (b) the District Judge of the hearing centre to which the application is made, to or from that hearing centre.

Proceedings commenced in the wrong court

12.31. Where insolvency proceedings are commenced in the wrong court or hearing centre, that court may order—

- (a) the proceedings be transferred to the court or hearing centre in which they ought to have been commenced;
- (b) the proceedings be continued in the court in which they have been commenced; or

- (c) the proceedings be struck out.

Applications for transfer

12.32.—(1) An application by the official receiver for proceedings to be transferred must be accompanied by a report by the official receiver.

(2) The report must set out the reasons for the transfer, and include a statement either that—

- (a) the petitioner, or the debtor in proceedings relating to a debt relief order, consents to the transfer; or
- (b) the petitioner or such a debtor has been given at least 14 days' notice of the official receiver's application.

(3) If the court is satisfied from the report that the proceedings can be conducted more conveniently in another court or hearing centre, it must order that the proceedings be transferred to that court or hearing centre.

(4) A person other than the official receiver who applies for the transfer of winding up or bankruptcy proceedings or proceedings relating to a debt relief order must deliver a notice that such an application is intended to be made at least 14 days' before filing the application with the court to—

- (a) the official receiver attached to the court or hearing centre in which the proceedings are pending; and
- (b) the official receiver attached to the court or hearing centre to which it is proposed that they should be transferred.

Procedure following order for transfer

12.33.—(1) Where a court makes an order for the transfer of proceedings under rule 12.30 (other than paragraph (7) of that rule), it must as soon as reasonably practicable deliver to the transferee court or hearing centre a sealed copy of the order, and the file of the proceedings.

(2) A transferee court (or hearing centre) which receives such an order and the file in winding up or bankruptcy proceedings or proceedings relating to a debt relief order must, as soon as reasonably practicable, deliver notice of the transfer to the official receiver attached to that court or hearing centre and the transferor court respectively.

(3) Where the High Court makes a transfer order under rule 12.30(7)—

- (a) it must deliver sealed copies of the order—
 - (i) to the hearing centre from which the proceedings are transferred, and
 - (ii) in winding up or bankruptcy proceedings or proceedings relating to a debt relief order, to the official receiver attached to that hearing centre and the High Court respectively; and
- (b) the hearing centre must deliver the file of the proceedings to the High Court.

Consequential transfer of other proceedings

12.34.—(1) This rule applies where—

- (a) the High Court has—
 - (i) made a winding-up order,
 - (ii) appointed a provisional liquidator,
 - (iii) made a bankruptcy order, or
 - (iv) appointed an interim receiver; or

(b) winding-up or bankruptcy proceedings have been transferred to the High Court from the County Court.

(2) A judge of any division of the High Court may, of that judge's own motion, order the transfer to that division of any such proceedings as are mentioned below and are pending against the company or individual concerned ("the insolvent") either in another division of the High Court or in a court in England and Wales other than the High Court.

(3) Paragraph (2) is subject to rule 30.5(4) CPR(1) (transfer between divisions and to and from a specialist list).

(4) The proceedings which may be transferred are those brought by or against the insolvent for the purpose of enforcing a claim against the insolvent estate, or brought by a person other than the insolvent for the purpose of enforcing any such claim (including in either case proceedings of any description by a debenture-holder or mortgagee).

(5) Where any such proceedings are transferred, they must be listed before a registrar for directions or final disposal as the registrar sees fit.

(1) Rule 30.5(4) was substituted by rule 4 of [SI 2014/2044](#).