
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

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.