
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 21

THE EC REGULATION

Conversion into winding up proceedings or bankruptcy: application

21.2.—(1) This rule applies where a member State liquidator in main proceedings applies to the court under Article 37 of the EC Regulation for—

- (a) conversion into winding-up proceedings of a CVA or an administration, or
- (b) conversion of an IVA into a bankruptcy.

(2) A witness statement made by or on behalf of the member State liquidator must be filed with the court in support of the application.

(3) The witness statement must state—

- (a) that main proceedings have been opened in relation to the company or, as the case may be, the debtor in a member State other than the United Kingdom;
- (b) the belief of the person making the statement that the conversion of the CVA or administration into winding-up proceedings or the IVA into a bankruptcy would prove to be in the interests of the creditors in the main proceedings;
- (c) where the application is for conversion into winding-up proceedings of a CVA or an administration, in the opinion of the person making the statement, into which proceedings the CVA or administration should be converted; and
- (d) all other matters that, in the opinion of the member State liquidator, would assist the court in—

- (i) deciding whether to make such an order, and
- (ii) considering whether and, if so, what consequential provision to include.

(4) The application and the witness statement must be served upon—

- (a) the company or the debtor, as the case may be; and
- (b) the supervisor or the administrator, as the case may be.