

## SCHEDULE

Regulation 2

### PART 1

#### Amendment of retained direct EU legislation

##### Amendments to the EU Insolvency Regulation

1. Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings is amended as follows.

##### Commencement Information

**II** Sch. para. 1 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

2.—(1) Article 1 is amended as follows.

(2) For the heading substitute “ Application and jurisdiction ”.

(3) For paragraph 1 substitute—

“**1.** The grounds for jurisdiction to open insolvency proceedings set out in paragraph 1B are in addition to any grounds for jurisdiction to open such proceedings which apply in the laws of any part of the United Kingdom.

**1A.** There is jurisdiction to open insolvency proceedings listed in paragraph 1B where the proceedings are opened for the purposes of rescue, adjustment of debt, reorganisation or liquidation and—

- (a) the centre of the debtor's main interests is in the United Kingdom; or
- (b) the centre of the debtor's main interests is in a Member State and there is an establishment in the United Kingdom.

**1B.** The proceedings referred to in paragraph 1 are—

- (a) winding up by or subject to the supervision of the court;
- (b) creditors' voluntary winding up with confirmation by the court;
- (c) administration, including appointments made by filing prescribed documents with the court;
- (d) voluntary arrangements under insolvency legislation; and
- (e) bankruptcy or sequestration.”.

(4) In paragraph 2 for “Directive [2001/24/EC](#)” substitute “ the Credit Institutions (Reorganisation and Winding up) Regulations 2004 ”.<sup>M1</sup>

##### Commencement Information

**II** Sch. para. 2 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

##### Marginal Citations

**M1** [S.I. 2004/1045](#). There are amending instruments but none is relevant to this instrument.

3. In Article 2—

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

- (a) insert the following paragraph—
  - “(1A) “Member State” means a state which is a member of the EU other than Denmark;”;
- (b) omit paragraphs (1) and (3);
- (c) in paragraph (4) for “listed in Annex A” substitute “ listed in Article 1(1B) which there is jurisdiction to open under Article 1(1A) and includes interim proceedings ”;
- (d) in paragraph (6)—
  - (i) omit point (i); and
  - (ii) in point (ii) omit “in all other articles,” and “of a Member State”;
- (e) omit paragraph (9);
- (f) in paragraph (10) omit “main”;
- (g) omit paragraphs (11) to (14).

**Commencement Information**

**I3** Sch. para. 3 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

- 4.—(1) Article 3 is amended as follows.
- (2) For the heading “International jurisdiction” substitute “ Centre of main interests ”.
- (3) In paragraph 1—
  - (a) in the first sub-paragraph omit the first sentence;
  - (b) in the second sub-paragraph for “to another Member State” substitute “ from the United Kingdom to a Member State or to the United Kingdom from a Member State ”;
  - (c) in the third sub-paragraph for “to another Member State” substitute “ from the United Kingdom to a Member State or to the United Kingdom from a Member State ”;
  - (d) in the fourth sub-paragraph for “to another Member State” substitute “ from the United Kingdom to a Member State or to the United Kingdom from a Member State ”;
- (4) Omit paragraphs 2 to 4.

**Commencement Information**

**I4** Sch. para. 4 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

- 5.—(1) Article 4 is amended as follows.
- (2) In paragraph 1—
  - (a) in the first sentence for “Article 3” substitute “ Article 1(1A) (a) or (b) ”; and
  - (b) for the second sentence substitute “ Where there is jurisdiction to open insolvency proceedings on either of the grounds specified in Article 1(1A)(a) or (b), the judgment opening such proceedings must state which of those grounds is applicable. ”.
- (3) In paragraph 2—
  - (a) in the first sentence—
    - (i) omit “in accordance with national law” and “Member States may entrust”;

**Changes to legislation:** There are currently no known outstanding effects for the *The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE*. (See end of Document for details)

- (ii) for the words from “to examine” to the end of the sentence substitute “ must examine the grounds on which there is jurisdiction to open the proceedings under Article 1(1A). ”; and
- (b) for the second sentence substitute “ Where this is the case and there is jurisdiction to open insolvency proceedings on either of the grounds specified in Article 1(1A)(a) or (b), the insolvency practitioner must specify in the decision opening the proceedings which of those grounds is applicable. ”.

**Commencement Information**

**I5** Sch. para. 5 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

- 6.**—(1) Article 5 is amended as follows.
- (2) In the heading omit “main”.
  - (3) In paragraph 1—
    - (a) omit “main” after “the decision opening”; and
    - (b) for “grounds of international jurisdiction” substitute “ the grounds of jurisdiction under Article 1(1A)(a) ”.
  - (4) In paragraph 2—
    - (a) omit “main” after “the decision opening”;
    - (b) omit “international”;
    - (c) after “jurisdiction” insert “ under Article 1(1A)(a) ”; and
    - (d) for “national law so provides” substitute “ the relevant law (other than this Regulation) of the part of the United Kingdom in which the matter is being determined so provides ”.

**Commencement Information**

**I6** Sch. para. 6 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

[<sup>F17</sup>. Omit Articles 6 to 83.]

**F1** Sch. para. 7 substituted (31.12.2020) by *The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459)*, reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**

**Commencement Information**

**I7** Sch. para. 7 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

- 8.** In Article 84 omit—
- (a) the second sentence of paragraph 1, and
  - (b) paragraph 2.

**Commencement Information**

**I8** Sch. para. 8 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

- 9.** In Article 85—

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

- (a) omit paragraphs 1 and 2;
- (b) in paragraph 3—
  - (i) in point (a) omit “in any Member State”; and
  - (ii) for “that Member State” substitute “ the United Kingdom ”.

.....  
**Commencement Information**

**I9** Sch. para. 9 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**10.** Omit Articles 86 to 90.

.....  
**Commencement Information**

**I10** Sch. para. 10 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**11.** In Article 91 omit the second sentence.

.....  
**Commencement Information**

**I11** Sch. para. 11 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**12.** In Article 92 omit point (c).

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**Commencement Information**

**I12** Sch. para. 12 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**13.** Omit the sentence immediately following Article 92 which begins “This Regulation shall be binding”.

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**Commencement Information**

**I13** Sch. para. 13 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**14.** Omit Annex A.

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**Commencement Information**

**I14** Sch. para. 14 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**15.** In Annex B omit all the entries other than those for the United Kingdom.

.....  
**Commencement Information**

**I15** Sch. para. 15 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

## PART 2

### Amendments to the Insolvency Act 1986

16. The Insolvency Act 1986 <sup>M2</sup> is amended as follows.

#### Commencement Information

**I16** Sch. para. 16 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

#### Marginal Citations

**M2** 1986 c.45. Relevant amendments have been made by the **Small Business, Enterprise and Employment Act 2015 (c.26)**; and **S.I. 2017/702**.

17. In section 1 in subsection (4) <sup>M3</sup>—

- (a) in paragraph (b) omit “other than the United Kingdom”; and
- (b) in paragraph (c) for “other than Denmark” substitute “ (other than Denmark) or in the United Kingdom ”.

#### Commencement Information

**I17** Sch. para. 17 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

#### Marginal Citations

**M3** Subsection (4) has been amended by S.I.s 2002/1240, 2005/879 and 2009/1941.

18. In section 106 omit subsections (4A) and (4B) <sup>M4</sup>.

#### Commencement Information

**I18** Sch. para. 18 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

#### Marginal Citations

**M4** New section 106 substituted by the Small Business, Enterprise and Employment Act 2015. The amendment has not been commenced for Scotland. Section 106 as in force in England and Wales was amended by **S.I. 2017/702** which inserted subsections (4A) and (4B).

19. In section 117 omit subsection (7) <sup>M5</sup>.

#### Commencement Information

**I19** Sch. para. 19 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

#### Marginal Citations

**M5** Subsection (7) was inserted by **S.I. 2002/1240** and was amended by **S.I. 2017/702**.

20. In section 120 omit subsection (6).

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

**Commencement Information**

**I20** Sch. para. 20 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**21.** In section 124 in subsection (1) omit the words from “or by a member State liquidator” to “Article 52 of the EU Regulation)”<sup>M6</sup>.

**Commencement Information**

**I21** Sch. para. 21 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M6** Subsection (1) has been amended by S.I.s 2002/1240 and 2017/702.

**22.** In section 146 omit subsections (6) and (7) <sup>M7</sup>.

**Commencement Information**

**I22** Sch. para. 22 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M7** New section 146 substituted by the Small Business, Enterprise and Employment Act 2015. The amendment has not been commenced for Scotland. Section 146 as in force in England and Wales was amended by [S.I. 2017/702](#) which inserted subsections (6) and (7).

**23.** Omit section 146A <sup>M8</sup>.

**Commencement Information**

**I23** Sch. para. 23 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M8** Section 146A was inserted by [S.I. 2017/702](#).

**24.—(1)** Section 201 is amended as follows <sup>M9</sup>.

(2) In subsection (2) omit—

- (a) “and any statement under section 106(4B),”; and
- (b) “(except where subsection (2A) applies)”.

(3) Omit subsections (2A) and (2B).

**Commencement Information**

**I24** Sch. para. 24 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M9** Section 201 was amended by the Small Business, Enterprise and Employment Act 2015. The amendment has not been commenced for Scotland. Relevant amendments to the section as in force in England and Wales are made by [S.I. 2017/702](#).

- 25.**—(1) Section 202 is amended as follows <sup>M10</sup>.
- (2) Omit subsections (2A) and (2B).
  - (3) In subsection (4) omit “and send any statement under subsection (2B)”.
  - (4) In subsection (5)—
    - (a) omit “and any statement under subsection (2B)”;
    - (b) after “shall forthwith register it” omit “or them”; and
    - (c) omit “(except where subsection (6) applies)”.
  - (5) Omit subsections (6) and (7).
  - (6) In subsection (8) omit “or (7)”.

**Commencement Information**

**I25** Sch. para. 25 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M10** Section 202 was amended by [S.I. 2017/702](#).

- 26.**—(1) Section 205 is amended as follows <sup>M11</sup>.
- (2) In subsection (2) omit “and any statement under section 146(7) or 146A(2)”.
  - (3) Omit subsections (2A) and (2B).

**Commencement Information**

**I26** Sch. para. 26 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M11** Section 205 has been amended by the Small Business, Enterprise and Employment Act 2015. The amendment has not been commenced for Scotland. Relevant amendments to the section as in force in England and Wales are made by [S.I. 2017/702](#).

- 27.** In section 225 omit subsection (2).

**Commencement Information**

**I27** Sch. para. 27 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

- 28.** In section 240 in subsection (3)(d) omit the words from “either following” to “Article 51 of the EU Regulation or”.

**Commencement Information**

**I28** Sch. para. 28 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

- 29.** In section 247 <sup>M12</sup> in subsection (3) omit paragraph (b) and the “, or” preceding it.

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

**Commencement Information**

**I29** Sch. para. 29 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**Marginal Citations**

**M12** Section 247(3)(b) was amended by **S.I. 2017/702**.

**30.** In section 251 omit the definitions of “EU insolvency proceedings” and “member State liquidator”<sup>M13</sup>.

**Commencement Information**

**I30** Sch. para. 30 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**Marginal Citations**

**M13** These definitions were inserted by **S.I. 2017/702**.

**31.—**(1) Section 263I is amended as follows.

(2) In subsection (1)—

(a) after paragraph (a) insert—

“(ab) the centre of the debtor's main interests is in a member State (other than Denmark) and the debtor has an establishment in England and Wales, or”;

(b) in paragraph (b) omit the words from the beginning of the paragraph to “the EU Regulation, but”.

(3) After subsection (4) insert—

“(5) In this section “establishment” has the same meaning as in Article 2(10) of the EU Regulation.”.

**Commencement Information**

**I31** Sch. para. 31 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**32.** In section 264 in subsection (1) omit paragraphs (ba) and (bb)<sup>M14</sup>.

**Commencement Information**

**I32** Sch. para. 32 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**Marginal Citations**

**M14** Paragraphs (ba) and (bb) were inserted by **S.I. 2002/1240**.

**33.—**(1) Section 265 is amended as follows.

(2) In subsection (1)—

(a) after paragraph (a) insert—

“(ab) the centre of the debtor's main interests is in a member State (other than Denmark) and the debtor has an establishment in England and Wales, or”;



**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

- (b) in paragraph (b) omit the words from the beginning of the paragraph to “the EU Regulation, but”.
- (3) After subsection (4) insert—
- “(5) In this section “establishment” has the same meaning as in Article 2(10) of the EU Regulation.”.

**Commencement Information**

**I33** Sch. para. 33 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

- 34.** In section 330 <sup>M15</sup> omit subsection (6).

**Commencement Information**

**I34** Sch. para. 34 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**Marginal Citations**

**M15** Subsection (6) was inserted by [S.I. 2002/1240](#) and amended by [S.I. 2017/702](#).

- 35.** In section 387 <sup>M16</sup> in subsection (3)—
- (a) omit paragraphs (aa) and (ab);
  - (b) in paragraph (b) omit “, (aa) or (ab)”;
  - (c) in paragraph (ba) omit “, (aa), (ab)”;
  - (d) in paragraph (c) omit “, (aa), (ab)”.

**Commencement Information**

**I35** Sch. para. 35 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**Marginal Citations**

**M16** In subsection (3) paragraphs (aa) and (ab) were inserted by [S.I. 2002/1240](#) and amended by [S.I. 2017/702](#).

- 36.** In section 388 <sup>M17</sup> omit subsection (6).

**Commencement Information**

**I36** Sch. para. 36 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**Marginal Citations**

**M17** Subsection (6) was inserted by [S.I. 2002/1240](#) and amended by [S.I. 2017/702](#).

- 37.** In section 411 in subsection (2B) for the words from “an offence” to the end of the sentence substitute “ a new relevant offence ”.

**Commencement Information**

**I37** Sch. para. 37 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

**38.** In section 412 in subsection (2B) for the words from “an offence” to the end of the sentence substitute “ a new relevant offence ”.

**Commencement Information**

**I38** Sch. para. 38 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**39.** In section 420 in subsection (1B) for the words from “an offence” to the end of the sentence substitute “ a new relevant offence ”.

**Commencement Information**

**I39** Sch. para. 39 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**40.** In section 421 in subsection (1B) for the words from “an offence” to the end of the sentence substitute “ a new relevant offence ”.

**Commencement Information**

**I40** Sch. para. 40 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**41.** After section 422 insert—

**“422A Meaning of “relevant offence”**

**422A.** In this Part “relevant offence” means a criminal offence punishable with imprisonment for more than two years or punishable on summary conviction with imprisonment for more than three months or with a fine of more than level 5 on the standard scale (if not calculated on a daily basis) or with a fine of more than £100 a day.”

**Commencement Information**

**I41** Sch. para. 41 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**42.** In section 436 in the definition of “the EU Regulation” at the end insert “ as it forms part of domestic law on and after exit day ”.

**Commencement Information**

**I42** Sch. para. 42 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**43.** Omit section 436A <sup>M18</sup>.

**Commencement Information**

**I43** Sch. para. 43 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**Marginal Citations**

**M18** Section 436A was inserted by [S.I. 2002/1240](#).

**44.** In Schedule B1 <sup>M19</sup>—

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

- (a) in paragraph 84 <sup>M20</sup>—
- (i) omit sub-paragraphs (1A) and (1B);
  - (ii) in sub-paragraph (3) omit “and any statement under sub-paragraph (1B)” and at the end omit “or them”;
  - (iii) in sub-paragraph (6) omit “(except where sub-paragraph (6A) applies)”;
  - (iv) omit sub-paragraphs (6A) and (6B); and
  - (v) in sub-paragraph (7)(a) and (c) omit “or (6B)”;
- (b) in paragraph 111 <sup>M21</sup>—
- (i) in sub-paragraph (1A)(b) omit “other than the United Kingdom”; and
  - (ii) in sub-paragraph (1A)(c) for “other than Denmark” substitute “ (other than Denmark) or in the United Kingdom ”.

**Commencement Information**

**I44** Sch. para. 44 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**Marginal Citations**

**M19** Schedule B1 was inserted by section 248 of the **Enterprise Act 2002 (c. 40)**.

**M20** Paragraph 84 was amended by **S.I. 2017/702**.

**M21** In paragraph 111 sub-paragraph (1A) was inserted by **S.I. 2005/879**.

## PART 3

### Administration under old Part 2 of the Insolvency Act 1986

**45.**—(1) Part 2 of the Insolvency Act 1986 as it had effect immediately before the coming into force of section 248 of the Enterprise Act 2002 and in so far as it continues to have effect is amended as follows <sup>M22</sup>.

(2) In section 8 for “Article 3 of the EC Regulation” substitute “ Article 1 of the EU Regulation ”.

**Commencement Information**

**I45** Sch. para. 45 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**Marginal Citations**

**M22** Section 248 of the Enterprise Act 2002 substituted a new Part 2 of the Insolvency Act 1986. However section 249 provided that that substitution was to have no effect in relation to the special administration regimes covered by that section.

## PART 4

### Amendments to the Insolvency (England and Wales) Rules 2016

**46.** The Insolvency (England and Wales) Rules 2016 <sup>M23</sup> are amended as follows.

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

#### Commencement Information

**I46** Sch. para. 46 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

#### Marginal Citations

**M23** S.I. 2016/1024, relevant amendments were made by S.I. 2017/702.

**47.** In rule 1.2(2)—

(a) omit the following definitions—

- (i) “main proceedings”,
- (ii) “member State liquidator”,
- (iii) “non-EU proceedings”,
- (iv) “secondary proceedings”,
- (v) “temporary administrator”,
- (vi) “territorial proceedings”;

(b) insert in the appropriate places—

““COMI proceedings” means insolvency proceedings in England and Wales to which the EU Regulation applies where the centre of the debtor's main interests is in the United Kingdom;

“establishment” has the same meaning as in Article 2(10) of the EU Regulation;

“establishment proceedings” means insolvency proceedings in England and Wales to which the EU Regulation applies where the debtor has an establishment in the United Kingdom;”.

#### Commencement Information

**I47** Sch. para. 47 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**48.—**(1) Rule 1.7 is amended as follows <sup>M24</sup>.

(2) For the heading substitute “ Reasons for stating whether proceedings are or will be COMI proceedings, establishment proceedings etc. ”.

(3) In the opening words for “main, secondary or territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ” and after “must include” insert “ as applicable ”.

(4) In paragraph (a)—

- (a) at the end of sub-paragraph (ii) omit “or”;
- (b) after sub-paragraph (ii) insert—

“(ia) the place where there is an establishment within the jurisdiction, or”; and

- (c) in sub-paragraph (iii) for “non-EU proceedings” substitute “ proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

(5) For sub-paragraph (b) substitute—

- “(b) for a debtor—
  - (i) the centre of main interests, or

(ii) the place where there is an establishment within the jurisdiction.”.

**Commencement Information**

**I48** Sch. para. 48 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**Marginal Citations**

**M24** Rule 1.7 has been amended by **S.I. 2017/1115**.

**49.** In rule 1.20 delete paragraph (1)(o).

**Commencement Information**

**I49** Sch. para. 49 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**50.** In rule 2.3 in paragraph (1) for sub-paragraph (q) substitute—

“(q) whether the proceedings will be COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply with reasons;”.

**Commencement Information**

**I50** Sch. para. 50 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**51.** In rule 2.14 in paragraph (2A) <sup>M25</sup> for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Commencement Information**

**I51** Sch. para. 51 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**Marginal Citations**

**M25** In rule 2.14 paragraph (2A) was inserted by **S.I. 2017/702** and amended by **S.I. 2017/1115**.

**52.** In rule 2.25 in paragraph (2A) <sup>M26</sup> for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Commencement Information**

**I52** Sch. para. 52 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**Marginal Citations**

**M26** In rule 2.25 paragraph (2A) was inserted by **S.I. 2017/702**.

**53.** In rule 2.38 <sup>M27</sup> in paragraph (2) in sub-paragraph (d) for “main, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

**Commencement Information**

**I53** Sch. para. 53 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**Marginal Citations**

**M27** In rule 2.38 paragraph (2)(d) was amended by **S.I. 2017/1115**.

**54.** In rule 3.3 in paragraph (2) in sub-paragraph (h) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Commencement Information**

**I54** Sch. para. 54 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**55.** In rule 3.6 in paragraph (3) in sub-paragraph (f) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Commencement Information**

**I55** Sch. para. 55 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**56.** In rule 3.8 omit paragraph (3)(c).

**Commencement Information**

**I56** Sch. para. 56 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**57.** In rule 3.10 in sub-paragraph (b) omit “(including the United Kingdom)” and “other than the United Kingdom”.

**Commencement Information**

**I57** Sch. para. 57 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**58.** In rule 3.12 omit paragraph (1)(g).

**Commencement Information**

**I58** Sch. para. 58 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**59.** In rule 3.13 in paragraph (1)—

- (a) in sub-paragraph (h) after “EU Regulation” insert “ as it has effect in the law of the United Kingdom ”; and
- (b) in sub-paragraph (i) for “main, secondary or territorial proceedings” substitute “ COMI proceedings or establishment proceedings ”.

**Commencement Information**

**I59** Sch. para. 59 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**60.** In rule 3.16 in paragraph (2) in sub-paragraph (k) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Commencement Information**

**I60** Sch. para. 60 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**61.** In rule 3.17 in paragraph (1) in sub-paragraph (k) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Commencement Information**

**I61** Sch. para. 61 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**62.** In rule 3.21 in paragraph (1) in sub-paragraph (i) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Commencement Information**

**I62** Sch. para. 62 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**63.** In rule 3.23 in paragraph (1) in sub-paragraph (i) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Commencement Information**

**I63** Sch. para. 63 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**64.** In rule 3.24 in paragraph (1) in sub-paragraph (h) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Commencement Information**

**I64** Sch. para. 64 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**65.** In rule 3.25 in paragraph (2) in sub-paragraph (i) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

**Commencement Information**

**I65** Sch. para. 65 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**66.** In rule 3.35 in paragraph (1) in sub-paragraph (m) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Commencement Information**

**I66** Sch. para. 66 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**67.** In rule 3.51 in paragraph (2) in sub-paragraph (g) omit “costs referred to in Articles 30 or 59 of the EU Regulation and”.

**Commencement Information**

**I67** Sch. para. 67 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**68.** In rule 3.63 in paragraph (4) omit sub-paragraph (d).

**Commencement Information**

**I68** Sch. para. 68 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**69.** In rule 3.68 in paragraph (2) omit sub-paragraph (g).

**Commencement Information**

**I69** Sch. para. 69 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**70.** In rule 6.42 in paragraph (4)(f) omit “costs referred to in Articles 30 or 59 of the EU Regulation and”.

**Commencement Information**

**I70** Sch. para. 70 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**71.** In rule 7.5 in paragraph (1) in sub-paragraph (n) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Commencement Information**

**I71** Sch. para. 71 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**72.** In rule 7.6 in paragraph (8) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.



**Commencement Information**

**I72** Sch. para. 72 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**73.** In rule 7.9 in paragraph (3)—

- (a) insert after sub-paragraph (b) “ or ”, and
- (b) omit sub-paragraph (d) and the “or” preceding it.

**Commencement Information**

**I73** Sch. para. 73 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**74.** In rule 7.17 omit paragraph (2)(b) and the “or” preceding it.

**Commencement Information**

**I74** Sch. para. 74 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**75.** In rule 7.18 in sub-paragraph (c) —

- (a) insert “ or ” before “contributory”, and
- (b) omit “or member State liquidator”.

**Commencement Information**

**I75** Sch. para. 74 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**76.** In rule 7.20 in paragraph (1) in sub-paragraph (g) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Commencement Information**

**I76** Sch. para. 76 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**77.** In rule 7.26 in paragraph (1) in sub-paragraph (n) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Commencement Information**

**I77** Sch. para. 77 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**78.** In rule 7.28 in paragraph (6) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

**Commencement Information**

**I78** Sch. para. 78 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**79.** In rule 7.29 omit paragraph (6).

**Commencement Information**

**I79** Sch. para. 79 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**80.** In rule 7.32 in paragraph (1) sub-paragraph (h) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Commencement Information**

**I80** Sch. para. 80 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**81.** In rule 7.33—

- (a) after paragraph (1)(f) insert “ or ”;
- (b) omit paragraph (1)(g); and
- (c) in paragraph (2)(f) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Commencement Information**

**I81** Sch. para. 81 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**82.** In rule 7.35 in paragraph (1) in sub-paragraph (e)(ii) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Commencement Information**

**I82** Sch. para. 82 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**83.** In rule 7.108 in paragraph (4) in sub-paragraph (m) omit “costs referred to in Articles 30 or 59 of the EU Regulation and”.

**Commencement Information**

**I83** Sch. para. 83 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**84.** In rule 8.3 in paragraph (q) for “main, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Commencement Information**

**I84** Sch. para. 84 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**85.** In rule 8.19 in paragraph (1A) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Commencement Information**

**I85** Sch. para. 85 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**86.** In rule 10.7 in paragraph (1) for sub-paragraph (d) substitute—

- “(d) whether—
- (i) the centre of the debtor's main interests is within the United Kingdom or is within a member State;
  - (ii) the centre of the debtor's main interests is neither within the United Kingdom nor a member State;
  - (iii) the debtor has an establishment within the United Kingdom;
  - (iv) the debtor carries on business as an Article 1.2 undertaking;”.

**Commencement Information**

**I86** Sch. para. 86 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**87.** In rule 10.8 in paragraph (1) in sub-paragraph (g) for “another” substitute “ the UK or a ”.

**Commencement Information**

**I87** Sch. para. 87 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**88.** In rule 10.12 in paragraph (4)—

- (a) at the end of sub-paragraph (a) insert “ and ”; and
- (b) omit sub-paragraph (c) and the “and” preceding it.

**Commencement Information**

**I88** Sch. para. 88 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**89.** In rule 10.14 omit paragraph (3).

**Commencement Information**

**I89** Sch. para. 89 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

**90.** In rule 10.19—

- (a) in paragraph (1) omit the words from “or a member State liquidator” to “in relation to the debtor”;

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

- (b) in paragraph (2) in sub-paragraph (f) omit the words “or member State liquidator”.

**Commencement Information**

**I90** Sch. para. 90 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**91.** In rule 10.29—

- (a) in paragraph (2) in sub-paragraph (a) omit the words from “or a member State liquidator” to “in relation to the debtor”; and
- (b) in paragraph (6) in sub-paragraph (d) omit the words from “or a member State liquidator” to “in relation to the debtor”.

**Commencement Information**

**I91** Sch. para. 91 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**92.** In rule 10.31 in paragraph (1) for sub-paragraph (e)(i) substitute—

- “(i) that the court, being satisfied that the EU Regulation as it has effect in the law of the United Kingdom applies, declares that the proceedings are COMI proceedings or establishment proceedings, or”.

**Commencement Information**

**I92** Sch. para. 92 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**93.** In rule 10.41 in paragraph (2) for sub-paragraph (d)(i) substitute—

- “(i) that the adjudicator, being satisfied that the EU Regulation as it has effect in the law of the United Kingdom applies, declares that the proceedings are COMI proceedings or establishment proceedings, or”.

**Commencement Information**

**I93** Sch. para. 93 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**94.** In rule 10.49—

- (a) in paragraph (1)—
- (i) at the end of sub-paragraph (b) insert “ or ”; and
- (ii) omit sub-paragraph (d) and the “or” preceding it; and
- (b) in paragraph (2) in sub-paragraph (f) for “main, secondary, territorial or non-EU proceedings” substitute “ COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Commencement Information**

**I94** Sch. para. 94 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**95.** In rule 10.51 in paragraph (1) in sub-paragraph (e)(ii) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

**Commencement Information**

**I95** Sch. para. 95 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**96.** In rule 10.149 in sub-paragraph (n) omit the words “costs referred to in Article 30 of the EU Regulation and”.

**Commencement Information**

**I96** Sch. para. 96 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**97.** In rule 12.15 in paragraph (2) omit “including any member State liquidator”.

**Commencement Information**

**I97** Sch. para. 97 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**98.** In rule 14.16 omit paragraph (3).

**Commencement Information**

**I98** Sch. para. 98 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**99.** In rule 14.32 omit paragraph (4).

**Commencement Information**

**I99** Sch. para. 99 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**100.** In rule 15.11 in the table in paragraph (1) omit the entry for “Main proceedings in another member State”.

**Commencement Information**

**I100** Sch. para. 100 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**101.** In rule 15.28 in paragraph (3) omit sub-paragraph (b) and the “or” preceding it.

**Commencement Information**

**I101** Sch. para. 101 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**102.** Omit rule 15.30.

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

**Commencement Information**

**I102** Sch. para. 102 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**103.** In rule 15.31—

- (a) in paragraph (7) omit the words from “; and for this purpose” to the end; and
- (b) in paragraph (9) in the opening words omit “or member State liquidator”.

**Commencement Information**

**I103** Sch. para. 103 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**104.** Omit rules 21.1 to 21.3 <sup>M28</sup>.

**Commencement Information**

**I104** Sch. para. 104 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M28** Part 21 was amended by [S.I. 2017/702](#).

**105.** In rule 21.4 for paragraph (3)(e) substitute—

- “(e) a statement whether the proceedings will be COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply and the reasons for so stating.”.

**Commencement Information**

**I105** Sch. para. 105 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**106.** Omit rules 21.6 to 21.17.

**Commencement Information**

**I106** Sch. para. 106 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**107.** In Schedule 4 in the table of requirements for service in paragraph 6 omit the entry relating to rule 21.2 (application for conversion into winding up/ bankruptcy under EU Regulation).

**Commencement Information**

**I107** Sch. para. 107 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

## PART 5

### Other amendments: England and Wales

#### The Administration of Insolvent Estates of Deceased Persons Order 1986

**108.**—(1) The Administration of Insolvent Estates of Deceased Persons Order 1986 <sup>M29</sup> is amended as follows.

(2) In Schedule 1 in Part 2—

- (a) in paragraph 1A renumber the two subsections to be inserted in section 265 of the Insolvency Act 1986 as subsections (6) and (7);
- (b) in the first line of the inserted subsection (7) for “subsection (5)” substitute “subsection (6)”; and
- (c) in paragraph 2 in sub-paragraph (a) in the subsection (1) to be substituted for that subsection in section 266 of the Insolvency Act 1986 omit paragraph (a).

#### Commencement Information

**I108** Sch. para. 108 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Marginal Citations

**M29** [S.I. 1986/1999](#). Relevant amendments have been made by [S.I. 2002/1309](#) and [S.I. 2017/1119](#) (which inserted paragraph 1A).

#### The Land Registration Rules 2003

**109.** In the Land Registration Rules 2003 <sup>M30</sup> omit rule 171.

#### Commencement Information

**I109** Sch. para. 109 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Marginal Citations

**M30** [S.I. 2003/1417](#). Rule 171 was amended by [S.I. 2017/702](#).

#### The Civil Proceedings Fees Order 2008

**110.**—(1) The Civil Proceedings Fees Order 2008 <sup>M31</sup> is amended as follows.

(2) In the Table in Schedule 1 omit the entry for fee 3.6.

#### Commencement Information

**I110** Sch. para. 110 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

**Marginal Citations**

**M31** [S.I. 2008/1053](#). Fee 3.6 was substituted by [S.I. 2017/702](#).

## PART 6

Other amendments: England, Wales and Scotland

### The Pension Protection Fund (Entry Rules) Regulations 2005

**111.**—(1) The Pension Protection Fund (Entry Rules) Regulations 2005 <sup>M32</sup> are amended as follows.

- (2) In regulation 1—
  - (a) in paragraph (3) omit the definitions of “establishment” and “the Insolvency Regulation”; and
  - (b) omit paragraph (7).
- (3) In regulation 7—
  - (a) in paragraph (1) for “paragraphs (2), (4) and (5)” substitute “ paragraphs (2) and (4) ”; and
  - (b) omit paragraphs (5) and (6).
- (4) In regulation 7A—
  - (a) in paragraph (2) for “paragraphs (3), (5) and (6)” substitute “ paragraphs (3) and (5) ”, and
  - (b) omit paragraphs (6) and (7).

**Commencement Information**

**I111** Sch. para. 111 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M32** [S.I. 2005/590](#); relevant amending instruments are S.I.s 2016/294 and 2017/702.

### The Cross-Border Insolvency Regulations 2006

**112.** The Cross-Border Insolvency Regulations 2006 <sup>M33</sup> are amended as follows.

**Commencement Information**

**I112** Sch. para. 112 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M33** [S.I. 2006/1030](#); relevant amendments were made by [S.I. 2017/702](#).

**113.** Schedule 1 is amended as follows.



**Commencement Information**

**I113** Sch. para. 113 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

**114.** In article 1 in paragraph 3(b) omit “, other than the United Kingdom,”.

**Commencement Information**

**I114** Sch. para. 114 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

**115.** In article 2—

(a) in paragraph (a)(i)—

(i) after “and made by or under” insert “ the EU Insolvency Regulation, ”, and

(ii) after “or by or under that” insert “ Regulation or ”;

(b) in paragraph (a)(ii) —

(i) after “and made by or under” insert “ the EU Insolvency Regulation, ”, and

(ii) after “or by or under” insert “ that Regulation or ”.

(c) in paragraph (d) at the end of the definition of “the EU Insolvency Regulation” insert “ as that Regulation forms part of domestic law on and after exit day ”.

**Commencement Information**

**I115** Sch. para. 115 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

**116.** Omit article 3.

**Commencement Information**

**I116** Sch. para. 116 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

**117.** In article 16—

(a) after paragraph 2 insert—

“**2A.** Where the EU Insolvency Regulation applies the centre of the debtor's main interests is to be determined in accordance with that Regulation.”;

(b) for paragraph 3 substitute—

“**3.** Subject to paragraph 2A, in the absence of proof to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the centre of the debtor's main interests.”.

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

**Commencement Information**

**I117** Sch. para. 117 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**118.** Schedule 2 is amended as follows.

**Commencement Information**

**I118** Sch. para. 118 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**119.** In paragraph 1 in sub-paragraph (1)<sup>M34</sup> omit the definitions of “main proceedings”, “member State liquidator”, “secondary proceedings” and “territorial proceedings”.

**Commencement Information**

**I119** Sch. para. 119 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M34** Relevant amendments were made to paragraph 1(1) by [S.I. 2017/702](#).

**120.** In paragraph 4 omit sub-paragraph (2).

**Commencement Information**

**I120** Sch. para. 120 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**121.** In paragraph 6 omit sub-paragraph (2)(b) and the “and” preceding it.

**Commencement Information**

**I121** Sch. para. 121 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**122.** In paragraph 21 omit sub-paragraph (2)(e).

**Commencement Information**

**I122** Sch. para. 122 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**123.** In paragraph 25 omit sub-paragraph (1)(e).

**Commencement Information**

I123 Sch. para. 123 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

124. In paragraph 26 omit sub-paragraph (3)(c).

**Commencement Information**

I124 Sch. para. 124 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

125. In paragraph 46 omit sub-paragraph (1)(f).

**Commencement Information**

I125 Sch. para. 125 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

126. Schedule 3 is amended as follows.

**Commencement Information**

I126 Sch. para. 126 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

127. In paragraph 1 in sub-paragraph (1) omit the definitions of “main proceedings” and “member State liquidator”.

**Commencement Information**

I127 Sch. para. 127 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

128. In paragraph 6 omit sub-paragraph (1)(e).

**Commencement Information**

I128 Sch. para. 128 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

129. In paragraph 7 omit sub-paragraph (3)(c).

**Commencement Information**

I129 Sch. para. 129 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

130. In paragraph 9 omit sub-paragraph (1)(f).

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

**Commencement Information**  
I130 Sch. para. 130 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

131. Schedule 5 is amended as follows.

**Commencement Information**  
I131 Sch. para. 131 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

132. In Form ML6 omit paragraph 5 (statement of service on the member State liquidator).

**Commencement Information**  
I132 Sch. para. 132 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

## PART 7

### Amendments to the Insolvency Act 1986 applying to Scotland only

133. The Insolvency Act 1986 is amended as follows<sup>M35</sup>.

**Commencement Information**  
I133 Sch. para. 133 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

**Marginal Citations**  
M35 Paragraphs 55 to 60 of the Schedule to SI 2017/702 made amendments to the 1986 Act which applied to Scotland only.

<sup>F2</sup>134. ....

F2 Sch. para. 134 omitted (31.12.2020) by virtue of The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), Sch. para. 4; 2020 c. 1, Sch. 5 para. 1(1)

<sup>F3</sup>135. ....

F3 Sch. para. 135 omitted (31.12.2020) by virtue of The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), Sch. para. 4; 2020 c. 1, Sch. 5 para. 1(1)

<sup>F4</sup>136. ....

F4 Sch. para. 136 omitted (31.12.2020) by virtue of The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), Sch. para. 4; 2020 c. 1, Sch. 5 para. 1(1)

**137.** In section 204 omit subsections (4A) to (4E).

**Commencement Information**

**I134** Sch. para. 137 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

<sup>F5</sup>**138.** . . . . .

**F5** Sch. para. 138 omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1459\)](#), [reg. 1\(2\)](#), [Sch. para. 4](#); [2020 c. 1, Sch. 5 para. 1\(1\)](#)

[<sup>F6</sup>PART 8A

Amendments to the Insolvency (Scotland) (Receivership and Winding up) Rules 2018

**F6** Sch. Pts. 8A, 8B inserted (31.12.2020) by [The Insolvency \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1459\)](#), [reg. 1\(2\)](#), [Sch. para. 6](#); [2020 c. 1, Sch. 5 para. 1\(1\)](#)

**137A.** The Insolvency (Scotland) (Receivership and Winding up) Rules 2018 are amended as follows.

**137B.**—(1) In rule 1.2(1)—

(a) omit the following definitions—

- (i) “local creditor”,
- (ii) “main proceedings”,
- (iii) “member State liquidator”,
- (iv) “non-EU proceedings”,
- (v) “secondary proceedings”,
- (vi) “temporary administrator”,
- (vii) “territorial proceedings”;

(b) in the note in square brackets which explains the definition of “EU Regulation” omit the words after “section 436”;

(c) insert in the appropriate places—

““COMI proceedings” means insolvency proceedings in Scotland to which the EU Regulation applies where the centre of the debtor’s main interests is in the United Kingdom;”,

““establishment” has the same meaning as in Article 2(10) of the EU Regulation;”,

““establishment proceedings” means insolvency proceedings in Scotland to which the EU Regulation applies where the debtor has an establishment in the United Kingdom;”.

**137C.**—(1) Rule 1.8 is amended as follows.

(2) For the heading substitute “Reasons for stating whether proceedings are or will be COMI proceedings, establishment proceedings etc.”.

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

(3) In the opening words, for “main, secondary or territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply” and after “must include” insert “as applicable”.

(4) After paragraph (b) insert—

“(ba) the place where there is an establishment within the jurisdiction; or”.

(5) In paragraph (c) for “non-EU proceedings” substitute “proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

**137D.** In rule 1.17 omit paragraph (2)(i).

**137E.** In rule 5.4—

- (a) after paragraph (1)(f) insert “or”;
- (b) omit paragraph (1)(g);
- (c) omit paragraph (1)(h).

**137F.** In rule 7.16 omit paragraph (3)(k).

**137G.** In rule 7.28 in paragraph (3)(a) omit “including any costs referred to in Article 30 and 59 of the EU Regulation”.

**137H.** In rule 7.31 omit paragraph (14).

**137I.** In rule 8.11 in the table in paragraph (1) omit the entry for “main proceedings in another Member State”.

**137J.** Omit rule 8.30.

**137K.** In rule 8.31—

- (a) in paragraph (5) omit the words from “; and for this purpose” to the end; and
- (b) in paragraph (7) in the opening words omit “or member State liquidator”.

**137L.** Omit rules 11.1 to 11.3.

**137M.** In rule 11.4 for paragraph (3)(e) substitute—

“(e) a statement whether the proceedings will be COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply and the reasons for so stating.”.

**137N.** Omit rules 11.6 to 11.17.]

## [<sup>F6</sup>PART 8B

### Amendments to the Insolvency (Scotland) (Company Voluntary Arrangements and Administration) Rules 2018

**137O.** The Insolvency (Scotland) (Company Voluntary Arrangements and Administration) Rules 2018 are amended as follows.

**137P.** In rule 1.2(1)—

- (a) omit the following definitions—
  - (i) “local creditor”,
  - (ii) “main proceedings”,
  - (iii) “member State liquidator”,

- (iv) “non-EU proceedings”,
  - (v) “secondary proceedings”,
  - (vi) “territorial proceedings”;
- (b) insert in the appropriate places—
- ““COMI proceedings” means insolvency proceedings in Scotland to which the EU Regulation applies where the centre of the debtor’s main interests is in the United Kingdom;”,
  - ““establishment” has the same meaning as in Article 2(10) of the EU Regulation;”,
  - ““establishment proceedings” means insolvency proceedings in Scotland to which the EU Regulation applies where the debtor has an establishment in the United Kingdom;”.

**137Q.**—(1) Rule 1.8 is amended as follows.

(2) For the heading substitute “Reasons for stating whether proceedings are or will be COMI proceedings, establishment proceedings etc.”.

(3) In the opening words for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

(4) In paragraph (b) omit the word “or”.

(5) After paragraph (b) insert—

“(ba) the place where there is an establishment within the jurisdiction, or”; and

(6) In paragraph (c) for “non-EU proceedings” substitute “proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

**137R.** In rule 1.17 omit paragraph (1)(i).

**137S.** In rule 2.3 in the table in paragraph (1), in the second column of the entry for “Type of insolvency proceedings”, for “whether the insolvency proceedings will be main, secondary, territorial or non-EU insolvency proceedings with reasons;” substitute—

“whether the proceedings will be COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply with reasons;”.

**137T.** In rule 2.13 in paragraph (5) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

**137U.** In rule 2.24 in paragraph (3) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

**137V.** In rule 2.37 in paragraph (2) in sub-paragraph (d) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

**137W.** In rule 3.6 omit paragraph (c).

**137X.** In rule 3.8 in paragraph (b) omit “(including the United Kingdom)” and “other than the United Kingdom”.

**137Y.** In rule 3.10 omit paragraph (g).

**137Z.** In rule 3.11 in paragraph (1)—

**Changes to legislation:** *There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)*

- (a) in sub-paragraph (g) after “EU Regulation” insert “as it has effect in the law of the United Kingdom”; and
- (b) in sub-paragraph (h) for “main, secondary or territorial proceedings” substitute “COMI proceedings or establishment proceedings”.

**137ZA.** In rule 3.16 in paragraph (2) in sub-paragraph (k) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

**137ZB.** In rule 3.17 in paragraph (1) in sub-paragraph (k) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

**137ZC.** In rule 3.21 in paragraph (1) in sub-paragraph (k) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

**137ZD.** In rule 3.23 in paragraph (1) in sub-paragraph (i) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

**137ZE.** In rule 3.24 in paragraph (1) in sub-paragraph (h) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

**137ZF.** In rule 3.25 in paragraph (2) in sub-paragraph (i) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

**137ZG.** In rule 3.35 in paragraph (1) in sub-paragraph (m) for “main, secondary, territorial or non-EU proceedings” substitute “COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply”.

**137ZH.** In rule 3.51 in paragraph (2) in sub-paragraph (g) omit “costs referred to in Articles 30 or 59 of the EU Regulation and”.

**137ZI.** In rule 3.63 in paragraph (4) omit sub-paragraph (d).

**137ZJ.** In rule 3.68 in paragraph (2) omit sub-paragraph (g).

**137ZK.** In rule 3.105 in paragraph (3) omit sub-paragraph (k).

**137ZL.** In rule 3.117 omit paragraph (11).

**137ZM.** In rule 5.11 in the table in paragraph (1) omit the entry for “main proceedings in another member State”.

**137ZN.** Omit rule 5.27.

**137ZO.** In rule 5.28—

- (a) in paragraph (7) omit the words from “and for this purpose” to the end; and
- (b) in paragraph (9) in the opening words omit “or member State liquidator”.

**137ZP.** Omit Part 7 (the EU Regulation).]



**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

## <sup>F7</sup>**PART 8**

### Amendments to the Insolvency (Scotland) Rules 1986

**F7** Sch. Pt. 8 omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1459\)](#), reg. 1(2), **Sch. para. 5**; 2020 c. 1, Sch. 5 para. 1(1)

- 139. ....
- 140. ....
- 141. ....
- 142. ....
- 143. ....
- 144. ....
- 145. ....
- 146. ....
- 147. ....
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- 159. ....
- 160. ....

## **PART 9**

### Amendments to the Insolvency (Northern Ireland) Order 1989 and the Insolvency Rules (Northern Ireland) 1991

#### **Amendments to the Insolvency (Northern Ireland) Order 1989**

- 161.** The Insolvency (Northern Ireland) Order 1989 <sup>M36</sup> is amended as follows.

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

**Commencement Information**

**I135** Sch. para. 161 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M36** [S.I. 1989/2405 \(N.I. 19\)](#). Relevant amendments have been made by S.R. (NI) [2002 No.334](#) and [S.I. 2017/702](#).

**162.** In Article 2(2) in the definition of “the EU Regulation” at the end insert “ as it forms part of domestic law on and after exit day ”<sup>M37</sup> .

**Commencement Information**

**I136** Sch. para. 162 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M37** The definition of “EU Regulation” was substituted by [S.I. 2017/702](#).

**163.** In Article 2(2) omit the definitions of “EU insolvency proceedings” and “member State liquidator”<sup>M38</sup> .

**Commencement Information**

**I137** Sch. para. 163 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M38** These definitions were inserted by paragraph 96 of the Schedule to [S.I. 2017/702](#).

**164.** Omit Article 2A <sup>M39</sup> .

**Commencement Information**

**I138** Sch. para. 164 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M39** Article 2A was inserted by S.R. (NI) [2002 No. 334](#) and amended by [S.I. 2017/702](#).

**165.** In Article 3 omit paragraph (6).

**Commencement Information**

**I139** Sch. para. 165 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**166.** In Article 6 in paragraph (3) omit sub-paragraph (b) and the “or” preceding it.

**Commencement Information**

**I140** Sch. para. 166 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**167.** In Article 14 in paragraph (4)—

- (a) in sub-paragraph (b) omit “other than the United Kingdom”; and
- (b) in sub-paragraph (c) after “interests” insert “ either ” and after “Denmark” insert “ or in the United Kingdom ”.

**Commencement Information**

**I141** Sch. para. 167 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**168.** In Article 80 omit paragraphs (3A) and (3B) <sup>M40</sup>.

**Commencement Information**

**I142** Sch. para. 168 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M40** Paragraphs (3A) and (3B) were inserted by paragraph 100 of the Schedule to [S.I. 2017/702](#).

**169.** In Article 104 in paragraph (1) omit the words from “or by a member State liquidator” to “Article 52 of the EU Regulation)”<sup>M41</sup>.

**Commencement Information**

**I143** Sch. para. 169 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M41** Paragraph (1) was amended by paragraph 101 of the Schedule to [S.I. 2017/702](#).

**170.** In Article 124 omit paragraphs (6) and (7) <sup>M42</sup>.

**Commencement Information**

**I144** Sch. para. 170 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M42** Paragraphs (6) and (7) were inserted by paragraph 102 of the Schedule to [S.I. 2017/702](#).

**171.** Omit Article 124A <sup>M43</sup>.

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

#### Commencement Information

**I145** Sch. para. 171 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Marginal Citations

**M43** Article 124A was inserted by paragraph 103 of the Schedule to [S.I. 2017/702](#).

**172.**—(1) Article 166 is amended as follows <sup>M44</sup>.

(2) In paragraph (2) omit “and any statement under Article 80(3B)” and “(except where paragraph (2A) applies)”.

(3) Omit paragraphs (2A) and (2B).

#### Commencement Information

**I146** Sch. para. 172 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Marginal Citations

**M44** Article 166 was amended by paragraph 104 of the Schedule to [S.I. 2017/702](#).

**173.**—(1) Article 167 is amended as follows <sup>M45</sup>.

(2) Omit paragraphs (1A) and (1B).

(3) In paragraph (2) for “an application under paragraph (1)” substitute “that application”.

(4) In paragraph (3) omit “and to send any statement under paragraph (1B)”.

(5) In paragraph (4)—

(a) omit “and any statement under paragraph (1B)” and “or them”;

(b) for “subject to paragraph (5)” substitute “subject to paragraph (7)”; and

(c) omit “(except where paragraph (5) applies)”.

(6) Omit paragraphs (5) and (6).

(7) In paragraph (7) for “the period in paragraph (4) or (6)” substitute “that period”.

#### Commencement Information

**I147** Sch. para. 173 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Marginal Citations

**M45** Article 167 was amended by paragraph 105 of the Schedule to [S.I. 2017/702](#) which inserted paragraphs (5) and (6) and renumbered and amended paragraph (7).

**174.**—(1) Article 169 <sup>M46</sup> is amended as follows.

(2) In paragraph (1) omit “and any statement under Article 124(7) or 124A(2)” and “of the final account or notice”.

(3) Omit paragraphs (1A) and (1B).

**Commencement Information**

**I148** Sch. para. 174 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M46** Article 169 was amended by paragraph 107 of the Schedule to [S.I. 2017/702](#).

**175.** In Article 204 <sup>M47</sup> in paragraph (3)(d) omit the words from “either following” to “Article 51 of the EU Regulation or”.

**Commencement Information**

**I149** Sch. para. 175 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M47** Article 204 was amended by paragraph 110 of the Schedule to [S.I. 2017/702](#).

**176.** In Article 238 in paragraph (1) omit sub-paragraphs (ba) and (bb) <sup>M48</sup>.

**Commencement Information**

**I150** Sch. para. 176 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M48** Paragraphs (ba) and (bb) were amended by paragraph 111 of the Schedule to [S.I. 2017/702](#).

**177.** For Article 239 substitute—

**“Conditions to be satisfied in respect of debtor**

**239.**—(1) A bankruptcy petition may be presented to the High Court under Article 238(1)(a) or (b) only if—

- (a) the centre of the debtor's main interests is in Northern Ireland,
- (b) the centre of the debtor's main interests is in a member State of the European Union which has adopted the EU Regulation and the debtor has an establishment in Northern Ireland, or
- (c) the centre of the debtor's main interests is not in a member State of the European Union which has adopted the EU Regulation, but the test in paragraph (2) is met.

(2) The test is that—

- (a) the debtor is domiciled in Northern Ireland, or
- (b) the debtor is personally present in Northern Ireland on the day on which the petition is presented, or
- (c) at any time in the period of three years ending with the day on which the petition is presented, the debtor—

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

- (i) has been ordinarily resident, or has had a place of residence, in Northern Ireland, or
  - (ii) has carried on business in Northern Ireland.
- (3) The reference in paragraph (2) to the debtor carrying on business includes—
- (a) the carrying on of business by a firm or partnership of which the debtor is a member, and
  - (b) the carrying on of business by an agent or manager for the debtor or for such a firm or partnership.
- (4) In this Article—
- (a) references to the centre of the debtor's main interests have the same meaning as in Article 3 of the EU Regulation, and
  - (b) “establishment” has the same meaning as in Article 2(10) of the EU Regulation.”.

#### Commencement Information

**I151** Sch. para. 177 in force at 31.1.2019, see reg. 1(2)(b)

**178.**—(1) Article 239<sup>M49</sup> (as substituted by paragraph 177) is amended as follows.

(2) In paragraph (1)—

- (a) in sub-paragraph (b) after “European Union” insert “ other than Denmark ” and omit the words “which has adopted the EU Regulation”; and
- (b) in sub-paragraph (c) omit the words from the beginning of the paragraph to “the EU Regulation, but”.

#### Commencement Information

**I152** Sch. para. 178 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Marginal Citations

**M49** Article 239 was amended by paragraph 112 of the Schedule to [S.I. 2017/702](#).

**179.** In Article 303 omit paragraph (6)<sup>M50</sup>.

#### Commencement Information

**I153** Sch. para. 179 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Marginal Citations

**M50** Article 303 paragraph (6) was inserted by regulation 15 of S.R. (NI) [2002 No. 334](#) and amended by paragraph 113 of the Schedule to [S.I. 2017/702](#).

**180.** In Article 347 in paragraph (3)<sup>M51</sup>—

- (a) omit sub-paragraphs (aa) and (ab);
- (b) in sub-paragraph (b) omit “, (aa) or (ab)”;

(c) in sub-paragraph (ba) omit “, (aa), (ab)”;

(d) in sub-paragraph (c) omit “ (aa), (ab),”.

**Commencement Information**

**I154** Sch. para. 180 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M51** Article 347 was amended by paragraph 114 of the Schedule to [S.I. 2017/702](#).

**181.** In Article 359 <sup>M52</sup> in paragraph (2B) for the words from “an offence” to the end of the sentence substitute “ a new relevant offence (see Article 366A) ”.

**Commencement Information**

**I155** Sch. para. 181 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M52** Article 359 was amended by S.R. (NI) 2002 No 223, regulation 4 (2) and paragraph 115 of the Schedule to [S.I. 2017/702](#).

**182.** In Article 364 <sup>M53</sup> in paragraph (1B) for the words from “an offence” to the end of the sentence substitute “ a new relevant offence (see Article 366A) ”.

**Commencement Information**

**I156** Sch. para. 182 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M53** Article 364 was amended by S.R. (NI) [2002 No. 223](#), [regulation 4\(3\)](#) and [S.I. 2017/702](#), [regulation 116](#).

**183.** In Article 365 <sup>M54</sup> in paragraph (1B) for the words from “an offence” to the end of the sentence substitute “ a new relevant offence (see Article 366A) ”.

**Commencement Information**

**I157** Sch. para. 183 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M54** Article 365 was amended by S.R. (NI) [2002 No. 223](#), [regulation 4\(3\)](#) and paragraph 117 of the Schedule to [S.I. 2017/702](#).

**184.** After Article 366 insert—

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

### “Meaning of “relevant offence”

**366A.** In Articles 359(2B), 364(1B) and 365(1B), a “relevant offence” is a criminal offence punishable with imprisonment for more than two years or punishable on summary conviction with imprisonment for more than three months or with a fine of more than level 5 on the standard scale (if not calculated on a daily basis) or with a fine of more than £100 a day.”.

#### Commencement Information

**I158** Sch. para. 184 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**185.** In Schedule B1—

(a) in paragraph 1—

(i) in sub-paragraph (1A)(b) omit “other than the United Kingdom”;

(ii) in sub-paragraph (1A)(c) after “interests” insert “ either ” and after “Denmark” insert “ or in the United Kingdom ”;

(b) in paragraph 85 <sup>M55</sup>—

(i) omit sub-paragraphs (1A) and (1B);

(ii) in sub-paragraph (3) omit “and any statement under sub-paragraph (1B)” and at the end omit “or them”;

(iii) in sub-paragraph (6) omit “(except where sub-paragraph (6A) applies)”;

(iv) omit sub-paragraphs (6A) and (6B); and

(v) in sub-paragraphs (7)(a) and (c) omit “or (6B)”.

#### Commencement Information

**I159** Sch. para. 185 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Marginal Citations

**M55** Paragraph 85 was amended by paragraph 119 of the Schedule to [S.I. 2017/702](#).

### Amendments to the Insolvency Rules (Northern Ireland) 1991

**186.** The Insolvency Rules (Northern Ireland) 1991 <sup>M56</sup> are amended as follows.

#### Commencement Information

**I160** Sch. para. 186 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Marginal Citations

**M56** S.R. (NI) 1991 No. 364.Relevant amendments were made by [S.I. 2017/702](#).

**187.** In Rule 0.2 (Interpretation)—

(a) omit the following definitions—



**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

- (i) “main proceedings”,
  - (ii) “Member State liquidator”,
  - (iii) “secondary proceedings”,
  - (iv) “temporary administrator”,
  - (v) “territorial proceedings”;
- (b) insert in the appropriate places—
- ““COMI proceedings” means insolvency proceedings in Northern Ireland to which the EU Regulation applies where the centre of the debtor's main interests is in the United Kingdom.”;
- ““establishment proceedings” means insolvency proceedings in Northern Ireland to which the EU Regulation applies where the debtor has an establishment in the United Kingdom.”;
- (c) in the definition of “establishment” for “Article 2(h) of the EC Regulation” substitute “Article 2(10) of the EU Regulation ”.

#### Commencement Information

**I161** Sch. para. 187 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**188.** In Rule 1.03 in paragraph (2) for sub-paragraph (q) substitute—

“(q) whether the proceedings will be COMI proceedings, establishment proceedings, or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply with reasons.”

M57

#### Commencement Information

**I162** Sch. para. 188 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Marginal Citations

**M57** Paragraph (2)(q) was inserted by Rule 5 of the Insolvency (Amendment) Rules (Northern Ireland) 2002, S.R. [2002 No. 261](#).

**189.** In Rule 1.09 in paragraph (1A) <sup>M58</sup> for the words “main, secondary, territorial” substitute “COMI proceedings, establishment proceedings”.

#### Commencement Information

**I163** Sch. para. 189 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Marginal Citations

**M58** Rule 1.09 was amended by paragraph 122 of the Schedule to [S.I. 2017/702](#).

**190.** In Rule 1.24 in paragraph (2)(ca) for the words “whether the proceedings are main proceedings, secondary proceedings or territorial proceedings;” substitute “ whether the proceedings

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

are COMI proceedings, establishment proceedings, or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply; ”<sup>M59</sup> .

**Commencement Information**

**I164** Sch. para. 190 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M59** Rule 1.24 was amended by S.R. (NI) [2002 No. 261](#)

**191.** Omit Rules 1.31 to 1.33 (Chapter 7) <sup>M60</sup> .

**Commencement Information**

**I165** Sch. para. 191 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M60** Chapter 7, Rules 1.31, 1.32 and 1.33 were amended by paragraphs 123, 124 and 125 of the Schedule to [S.I. 2017/702](#).

**192.** Omit Rule 1.34 (Chapter 8) <sup>M61</sup> .

**Commencement Information**

**I166** Sch. para. 192 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M61** Chapter 8, Rule 1.34 was amended by paragraph 126 of the Schedule to [S.I. 2017/702](#).

**193.** In Rule 1.39 in paragraph (2)(c) for the words “main, secondary, territorial” substitute “COMI proceedings, establishment proceedings” <sup>M62</sup> .

**Commencement Information**

**I167** Sch. para. 193 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M62** Rule 1.39 was amended by paragraph 127 of the Schedule to [S.I. 2017/702](#).

**194.** In Rule 2.001 in paragraph (d) omit the reference to Chapters 14 and 15.

**Commencement Information**

**I168** Sch. para. 194 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**195.** In Rule 2.004 in paragraph (4) for the words from “main” to the second “proceedings” substitute “COMI proceedings or establishment proceedings”.

**Commencement Information**

**I169** Sch. para. 195 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**196.** In Rule 2.006 omit paragraph (3)(c).

**Commencement Information**

**I170** Sch. para. 196 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**197.** In Rule 2.012 omit paragraph (1)(g).

**Commencement Information**

**I171** Sch. para. 197 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**198.** In Rule 2.034 for paragraph (2)(p)(ii) substitute—

“(ii) if so, whether the proceedings will be COMI proceedings, establishment proceedings, or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply with reasons; and”.

**Commencement Information**

**I172** Sch. para. 198 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**199.** In Rule 2.039 omit—

- (a) paragraph (1)(a)(ii) and the “or” preceding it, and
- (b) paragraphs (8) to (11).

**Commencement Information**

**I173** Sch. para. 199 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**200.** In Rule 2.068 in paragraph (1)(f) omit the words “costs referred to in Articles 30 or 59 of the EU Regulations and”<sup>M63</sup>.

**Commencement Information**

**I174** Sch. para. 200 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

**Marginal Citations**

**M63** Rule 2.068 was amended by paragraph 128 of the Schedule to [S.I. 2017/702](#).

**201.** In Rule 2.096 omit paragraph (2)(a)(ii) and the “and” preceding it.

**Commencement Information**

**I175** Sch. para. 201 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**202.** In Rule 2.097 omit paragraph (4).

**Commencement Information**

**I176** Sch. para. 202 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**203.** In Rule 2.099 in paragraph (1) omit the words from “and” to the end of the sentence.

**Commencement Information**

**I177** Sch. para. 203 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**204.** In Rule 2.121 omit paragraph (2).

**Commencement Information**

**I178** Sch. para. 204 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**205.** Omit Rules 2.131 to 2.133 (Chapter 14) <sup>M64</sup>.

**Commencement Information**

**I179** Sch. para. 205 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M64** Chapter 14, Rules 2.131, 2.132 and 2.133, was amended by paragraphs 129, 130 and 131 of the Schedule to [S.I. 2017/702](#).

**206.** Omit Rules 2.134 to 2.143 (Chapter 15) <sup>M65</sup>.

**Commencement Information**

**I180** Sch. para. 206 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M65** Chapter 15, Rules 2.134 to 2.143, was amended by paragraphs 132 and 133 of the Schedule to [S.I. 2017/702](#).

**207.** In Rule 4.007 omit paragraph (4)(ea).

**Commencement Information**

**I181** Sch. para. 207 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**208.** In Rule 4.010 omit paragraph (3A).

**Commencement Information**

**I182** Sch. para. 208 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**209.** In Rule 4.012—

- (a) in paragraph (8) omit the words from “(i)” to “whether”; and
- (b) for the words “main proceedings or territorial proceedings” substitute “ COMI proceedings, establishment proceedings, or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply ”.

**Commencement Information**

**I183** Sch. para. 209 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**210.** In Rule 4.024 omit paragraph (6).

**Commencement Information**

**I184** Sch. para. 210 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**211.** In Rule 4.027 omit paragraph (1)(g).

**Commencement Information**

**I185** Sch. para. 211 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**212.** In Rule 4.073 <sup>M66</sup>—

- (a) omit paragraph (1)(a)(ii) and the “or” preceding it; and
- (b) omit paragraphs (8) to (10).

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

**Commencement Information**

**I186** Sch. para. 212 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M66** Rule 4.073 was amended by S.R. (NI) 2002 No 261.

**213.** In Rule 4.228 in paragraph (3) sub-paragraph (m) omit the words “costs referred to in Articles 30 or 59 of the EU Regulation and”<sup>M67</sup>.

**Commencement Information**

**I187** Sch. para. 213 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M67** Rule 4.228(3)(m) was amended by paragraph 135 of the Schedule to [S.I. 2017/702](#).

**214.** In Rule 5.04 in paragraph (2)(r) for the words “main proceedings or territorial proceedings” substitute “COMI proceedings or establishment proceedings”.

**Commencement Information**

**I188** Sch. para. 214 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**215.** Omit Rules 5.61 to 5.64 (Chapter 13)<sup>M68</sup>.

**Commencement Information**

**I189** Sch. para. 215 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M68** Chapter 13, Rules 5.61 and 5.62 were amended by paragraphs 138 and 139 of the Schedule to [S.I. 2017/702](#).

**216.** In Rule 6.007 in paragraph (1) in sub-paragraph (f) for “another” substitute “the UK or a”.

**Commencement Information**

**I190** Sch. para. 216 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**217.** In Rule 6.013 omit paragraph (5).

**Commencement Information**

**I191** Sch. para. 217 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**218.** In Rule 6.027 in paragraph (2)(c) omit the wording in the second set of brackets.

**Commencement Information**

**I192** Sch. para. 218 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**219.** In Rule 6.049 <sup>M69</sup> —

- (a) in paragraph (1)(d) omit “or” at the end of the sentence; and
- (b) omit paragraph (1)(e).

**Commencement Information**

**I193** Sch. para. 219 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M69** Rule 6.049 was amended by paragraph 140 of the Schedule to [S.I. 2017/702](#).

**220.** In Rule 6.090 omit paragraphs (8) to (10).

**Commencement Information**

**I194** Sch. para. 220 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**221.** In Rule 6.113 omit paragraph (3).

**Commencement Information**

**I195** Sch. para. 221 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**222.** In Rule 6.222 in paragraph (1) sub-paragraph (m) omit the words “insert costs referred to in Articles 30 or 59 of the EU Regulation and”<sup>M70</sup>.

**Commencement Information**

**I196** Sch. para. 222 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M70** Rule 6.222(1)(m) was amended by paragraph 141 of the Schedule to [S.I. 2017/702](#).

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

223. Omit Rules 6.231 and 6.232 (Chapter 26).

**Commencement Information**

I197 Sch. para. 223 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

224. In Rule 7.08A omit “including any member State liquidator”.

**Commencement Information**

I198 Sch. para. 224 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

225. In Rule 7.56 in paragraph (2) for the words in sub-paragraph (e) substitute “ whether the proceedings will be COMI proceedings or establishment proceedings.”<sup>M71</sup> .

**Commencement Information**

I199 Sch. para. 225 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

**Marginal Citations**

M71 Rule 7.56 was amended by paragraph 142 of the Schedule 70 S.I. 2017/702.

226. Omit Rule 7.57.

**Commencement Information**

I200 Sch. para. 226 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

227. Omit Rule 7.58 (Chapter 11).

**Commencement Information**

I201 Sch. para. 227 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

228. Omit Rule 8.8.

**Commencement Information**

I202 Sch. para. 228 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

229. In Rule 11.01 omit paragraph (3).



**Commencement Information**

**I203** Sch. para. 229 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**230.** In Rule 11.02 omit paragraph (1)(b) and the “and” preceding it.

**Commencement Information**

**I204** Sch. para. 230 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**231.** In Rule 11.03 omit paragraph (4).

**Commencement Information**

**I205** Sch. para. 231 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**232.** In Rule 11.06 omit paragraph (1)(b) and the “and” preceding it.

**Commencement Information**

**I206** Sch. para. 232 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**233.** In Rule 12.13 omit paragraph (5).

**Commencement Information**

**I207** Sch. para. 233 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**234.** In Rule 12.19 omit paragraph (3A).

**Commencement Information**

**I208** Sch. para. 234 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

## PART 10

### Other amendments: Northern Ireland

#### The Pension Protection Fund (Entry Rules) Regulations (Northern Ireland) 2005

**235.**—(1) The Pension Protection Fund (Entry Rules) Regulations (Northern Ireland) 2005 <sup>M72</sup> are amended as follows.

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

- (2) In regulation 1—
- (a) in paragraph (2) omit the definitions of “establishment” and “the Insolvency Regulation”, and
  - (b) omit paragraph (4A).
- (3) In regulation 7—
- (a) in paragraph (1) for “paragraphs (2), (4) and (5)” substitute “ paragraphs (2) and (4) ”, and
  - (b) omit paragraphs (5) and (6).
- (4) In regulation 7A—
- (a) in paragraph (2) for “paragraphs (3), (5) and (6)” substitute “ paragraphs (3) and (5) ”, and
  - (b) omit paragraphs (6) and (7).

#### Commencement Information

**I209** Sch. para. 235 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Marginal Citations

**M72** S.R. (NI) [2005 No.126](#); as amended by S.R. (NI) 2005 No 364, S.R. (NI) 2008 No 303, S.R. (NI) 2009 No 245, S.R. (NI) 2014 No 195 and paragraph 144 of the Schedule to [S.I. 2017/702](#).

### The Cross-Border Insolvency Regulations (Northern Ireland) 2007

**236.** The Cross-Border Insolvency Regulations (Northern Ireland) 2007 <sup>M73</sup> are amended as follows.

#### Commencement Information

**I210** Sch. para. 236 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Marginal Citations

**M73** S.R. (NI) [2007 No. 115](#); relevant amendments were made by paragraph 144 of the Schedule to [S.I. 2017/702](#).

**237.** Schedule 1 is amended as follows.

#### Commencement Information

**I211** Sch. para. 237 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**238.** In article 1 in paragraph 3(b) omit “, other than the United Kingdom,”.

#### Commencement Information

**I212** Sch. para. 238 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**239.** In article 2—

- (a) in sub-paragraph (b) at the end of the definition of “the EU Insolvency Regulation” insert “ as that Regulation forms part of domestic law on and after exit day ”; and
- (b) in sub-paragraph (k)—
  - (i) after “made by or under” insert “ the EU Insolvency Regulation and ”, and
  - (ii) after “or by or under that” insert “ Regulation or ”.

**Commencement Information**

**I213** Sch. para. 239 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**240.** Omit article 3.

**Commencement Information**

**I214** Sch. para. 240 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**241.** In article 16—

- (a) after paragraph 2 insert—

“**2A.** Where the EU Insolvency Regulation applies the centre of the debtor's main interests is to be determined in accordance with that Regulation.”;
- (b) for paragraph 3 substitute—

“**3.** Subject to paragraph 2A, in the absence of proof to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the centre of the debtor's main interests.”.

**Commencement Information**

**I215** Sch. para. 241 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**242.** Schedule 2 is amended as follows.

**Commencement Information**

**I216** Sch. para. 242 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**243.** In paragraph 1 in sub-paragraph (1) omit the definitions of “main proceedings”, “member State liquidator”, “secondary proceedings” and “territorial proceedings”.

**Commencement Information**

**I217** Sch. para. 243 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

244. In paragraph 4 omit sub-paragraph (2).

**Commencement Information**

I218 Sch. para. 244 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

245. In paragraph 6 omit sub-paragraph (2)(b) and the “and” preceding it.

**Commencement Information**

I219 Sch. para. 245 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

246. In paragraph 21 omit sub-paragraph (2)(e).

**Commencement Information**

I220 Sch. para. 246 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

247. In paragraph 25 omit sub-paragraph (1)(e).

**Commencement Information**

I221 Sch. para. 247 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

248. In paragraph 26 omit sub-paragraph (3)(c).

**Commencement Information**

I222 Sch. para. 248 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

249. In paragraph 44 omit sub-paragraph (1)(f).

**Commencement Information**

I223 Sch. para. 249 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

250. Omit paragraph 53.

**Commencement Information**

I224 Sch. para. 250 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

251. Schedule 4 is amended as follows.

**Commencement Information**

**I225** Sch. para. 251 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

**252.** In Form ML6 omit paragraph 5 (statement of service on the member State liquidator).

**Commencement Information**

**I226** Sch. para. 252 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

## PART 11

### Amendments to the Employment Rights Act 1996 and the Pension Schemes Act 1993

#### Amendments to the Employment Rights Act 1996

**253.**—(1) The Employment Rights Act 1996 <sup>M74</sup> is amended as follows.

(2) In section 166 <sup>M75</sup>—

(a) in subsection (5)—

- (i) in paragraph (a) for “(6) or (8A)” substitute “ (6), (8ZA) or (8A) ”;
- (ii) in paragraph (b) for “(7) or (8A)” substitute “ (7), (8ZA) or (8A) ”;
- (iii) in paragraph (c) for “(8) or (8A)” substitute “ (8), (8ZA) or (8A) ”;
- (iv) in paragraph (d) for “(8A)” substitute “ (8ZA) or (8A) ”;

(b) after subsection (8) insert—

“(8ZA) This subsection is satisfied in the case of an employer if—

- (a) the employer is a legal person,
- (b) a request has been made for the first opening of collective proceedings—
  - (i) based on the insolvency of the employer, as provided for under the law of any part of the United Kingdom, and
  - (ii) involving the partial or total divestment of the employer's assets and the appointment of a liquidator or a person performing a similar task, and
- (c) any of the following has decided to open the proceedings—
  - (i) a court,
  - (ii) a meeting of creditors, or
  - (iii) the creditors by a decision procedure.”;

(c) in subsection (8B) for “subsection (8A)” substitute “ this section ”.

(3) In section 183 <sup>M76</sup>—

(a) in subsection (1)—

- (i) in paragraph (a) for “(2) or (4A)” substitute “ (2), (4ZA) or (4A) ”;
- (ii) in paragraph (b) for “(3) or (4A)” substitute “ (3), (4ZA) or (4A) ”;
- (iii) in paragraph (c) for “(4) or (4A)” substitute “ (4), (4ZA) or (4A) ”;

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

- (iv) in paragraph (d) for “(4A)” substitute “ (4ZA) or (4A) ”;
- (b) after subsection (4) insert—
  - “(4ZA) This subsection is satisfied in the case of an employer if—
    - (a) the employer is a legal person,
    - (b) a request has been made for the first opening of collective proceedings—
      - (i) based on the insolvency of the employer, as provided for under the law of any part of the United Kingdom, and
      - (ii) involving the partial or total divestment of the employer's assets and the appointment of a liquidator or a person performing a similar task, and
    - (c) any of the following has decided to open the proceedings—
      - (i) a court,
      - (ii) a meeting of creditors, or
      - (iii) the creditors by a decision procedure.”;
- (c) in subsection (4B) for “subsection (4A)” substitute “ this section ”.

#### Commencement Information

**I227** Sch. para. 253 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Marginal Citations

**M74** [1996 c. 18](#).

**M75** Section 166 was amended by [S.I. 2001/1090](#); [S.I. 2012/3014](#) and [S.I. 2017/1205](#).

**M76** Section 183 was amended by [S.I. 2001/1090](#); [S.I. 2012/3014](#) and [S.I. 2017/1205](#).

### Amendments to the Pension Schemes Act 1993

- 254.**—(1) The Pension Schemes Act 1993 <sup>M77</sup> is amended as follows—
- (2) In section 123 <sup>M78</sup>—
    - (a) for subsection (1)(d) substitute—
      - “(d) subsection (2A) or (2ZA) is satisfied.”;
    - (b) after subsection (2) insert—
      - “(2ZA) This subsection is satisfied in the case of an employer if—
        - (a) the employer is a legal person,
        - (b) a request has been made for the first opening of collective proceedings—
          - (i) based on the insolvency of the employer, as provided for under the law of any part of the United Kingdom, and
          - (ii) involving the partial or total divestment of the employer's assets and the appointment of a liquidator or a person performing a similar task, and
        - (c) any of the following has decided to open the proceedings—
          - (i) a court,
          - (ii) a meeting of creditors, or
          - (iii) the creditors by a decision procedure.”;

(c) in subsection (2B) for “subsection (2A)” substitute “ this section ”.

**Commencement Information**

**I228** Sch. para. 254 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

**M77** [1993 c. 48.](#)

**M78** Section 123 was amended by [S.I. 2017/1205.](#)

## PART 12

### Amendments to the Employment Rights (Northern Ireland) Order 1996 and the Pension Schemes (Northern Ireland) Act 1993

#### Amendments to the Employment Rights (Northern Ireland) Order 1996

**255.**—(1) The Employment Rights (Northern Ireland) Order 1996 <sup>M79</sup> is amended as follows.

(2) In Article 201 (applications for payments) <sup>M80</sup>—

(a) in paragraph (5)—

(i) in sub-paragraph (a) after “(6)” insert “ or (8A) ”;

(ii) in sub-paragraph (b) after “(7)” insert “ or (8A) ” and at the end of that sub-paragraph omit “and”;

(iii) in sub-paragraph (c) after “(8)” insert “ or (8A) ”; and

(iv) at the end of sub-paragraph (c) insert—

“, and

(d) where the employer is not any of the above, if (but only if) paragraph (8A) is satisfied.”;

(b) after paragraph (8) insert—

“(8A) This paragraph is satisfied in the case of an employer if—

(a) a request has been made for the first opening of collective proceedings—

(i) based on the insolvency of the employer, as provided for under the laws, regulations and administrative provisions of a member State, and

(ii) involving the partial or total divestment of the employer's assets and the appointment of a liquidator or a person performing a similar task, and

(b) the competent authority has—

(i) decided to open the proceedings, or

(ii) established that the employer's undertaking or business has been definitively closed down and the available assets of the employer are insufficient to warrant the opening of the proceedings.

(8B) For the purposes of paragraph (8A)—

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

- (a) “liquidator or a person performing a similar task” includes the official receiver or an administrator, trustee in bankruptcy, judicial factor, supervisor of a voluntary arrangement, or a person performing a similar task;
- (b) “competent authority” includes—
  - (i) a court,
  - (ii) a meeting of creditors,
  - (iii) a creditors' committee,
  - (iv) the creditors by a decision procedure, and
  - (v) an authority of a member State empowered to open insolvency proceedings, to confirm the opening of such proceedings or to take decisions in the course of such proceedings.

(8C) An employee may apply under this Article only if the employee worked or habitually worked in Northern Ireland in that employment to which the application relates.”.

(3) In Article 228 <sup>M81</sup>—

- (a) in paragraph (1)—
  - (i) in sub-paragraph (a) after “(2)” insert “ or (4A) ”;
  - (ii) in sub-paragraph (b) after “(3)” insert “ or (4A) ” and at the end of that sub-paragraph omit “and”;
  - (iii) in sub-paragraph (c) after “(4)” insert “ or (4A) ”; and
  - (iv) at the end of sub-paragraph (c) insert—

“, and

- (d) where the employer is not any of the above, if (but only if) paragraph (4A) is satisfied.”;

(b) after paragraph (4) insert—

“(4A) This paragraph is satisfied in the case of an employer if—

- (a) a request has been made for the first opening of collective proceedings—
  - (i) based on the insolvency of the employer, as provided for under the laws, regulations and administrative provisions of a member State, and
  - (ii) involving the partial or total divestment of the employer's assets and the appointment of a liquidator or a person performing a similar task, and
- (b) the competent authority has—
  - (i) decided to open the proceedings, or
  - (ii) established that the employer's undertaking or business has been definitively closed down and the available assets of the employer are insufficient to warrant the opening of the proceedings.

(4B) For the purposes of paragraph (4A)—

- (a) “liquidator or a person performing a similar task” includes the official receiver or an administrator, trustee in bankruptcy, judicial factor, supervisor of a voluntary arrangement, or a person performing a similar task;
- (b) “competent authority” includes—
  - (i) a court,



**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

- (ii) a meeting of creditors,
- (iii) a creditors' committee,
- (iv) the creditors by a decision procedure, and
- (v) an authority of a member State empowered to open insolvency proceedings, to confirm the opening of such proceedings or to take decisions in the course of such proceedings.

(4C) An employee may apply under Article 227 (employee's rights on insolvency of employer) only if the employee worked or habitually worked in Northern Ireland in that employment to which the application relates.”.

#### Commencement Information

**I229** Sch. para. 255 in force at 31.1.2019, see reg. 1(2)(c)

#### Marginal Citations

**M79** [S.I. 1996/1919 \(N.I. 16\)](#).

**M80** Article 201 was amended by regulation 9 of, and Schedule 4 to S.R. (NI) [2004 No. 307](#); there are other amendments not relevant to these Regulations.

**M81** Article 228 was amended by regulation 9 of, and the Schedule 4 to S.R. (NI) [2004 No. 307](#); there are other amendments not relevant to these Regulations.

### Amendments to the Pension Schemes (Northern Ireland) Act 1993

**256.**—(1) The Pension Schemes (Northern Ireland) Act 1993 <sup>M82</sup> is amended as follows.

(2) In section 119 <sup>M83</sup>—

(a) in subsection (1)—

(i) in paragraph (b) after “Insolvency (Northern Ireland) Order 1989;” omit “or”; and

(ii) at the end of paragraph (c) insert—

“; or

(d) subsection (1A) is satisfied.”;

(b) after subsection (1) insert—

“(1A) This subsection is satisfied if—

(a) a request has been made for the first opening of collective proceedings—

(i) based on the insolvency of the employer, as provided for under the laws, regulations and administrative provisions of a member State; and

(ii) involving the partial or total divestment of the employer's assets and the appointment of a liquidator or a person performing a similar task; and

(b) the competent authority has—

(i) decided to open the proceedings; or

(ii) established that the employer's undertaking or business has been definitively closed down and the available assets of the employer are insufficient to warrant the opening of the proceedings.

(1B) For the purposes of subsection (1A)—

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)

- (a) “liquidator or person performing a similar task” includes the official receiver or an administrator, trustee in bankruptcy, judicial factor, supervisor of a voluntary arrangement, or person performing a similar task;
- (b) “competent authority” includes—
  - (i) a court,
  - (ii) a meeting of creditors,
  - (iii) a creditors' committee,
  - (iv) the creditors by a decision procedure, and
  - (v) an authority of a member State empowered to open insolvency proceedings, to confirm the opening of such proceedings or to take decisions in the course of such proceedings.

(1C) An application under section 120 may only be made in respect of a worker who worked or habitually worked in Northern Ireland in that employment to which the application relates.”.

#### Commencement Information

**I230** Sch. para. 256 in force at 31.1.2019, see reg. 1(2)(c)

#### Marginal Citations

**M82** 1993 c. 49.

**M83** Section 119 was amended by paragraph 15 of Schedule 10 and Schedule 11 to the [Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255 \(N.I. 1\)\)](#), [paragraph 53](#) of Schedule 2 and Schedule 9 to the [Insolvency \(Northern Ireland\) Order 2005 \(S.I. 2005/1455 \(N.I. 10\)\)](#) and section 41(2) of the [Pensions Act \(Northern Ireland\) 2015 \(c. 5 \(N.I.\)\)](#).

## PART 13

### Further amendments to the Employment Rights (Northern Ireland) Order 1996 and the Pension Schemes (Northern Ireland) Act 1993

#### Amendments to the Employment Rights (Northern Ireland) Order 1996

**257.**—(1) The Employment Rights (Northern Ireland) Order 1996 is amended as follows.

(2) In Article 201 (as amended by paragraph 255(2))—

(a) in paragraph (5)—

- (i) in sub-paragraph (a) for “(6) or (8A)” substitute “ (6), (8ZA) or (8A) ”;
- (ii) in sub-paragraph (b) for “(7) or (8A)” substitute “ (7), (8ZA) or (8A) ”;
- (iii) in sub-paragraph (c) for “(8) or (8A)” substitute “ (8), (8ZA) or (8A) ”;
- (iv) in sub-paragraph (d) for “(8A)” substitute “ (8ZA) or (8A) ”;

(b) after paragraph (8) insert—

“(8ZA) This paragraph is satisfied in the case of an employer if—

- (a) the employer is a legal person,
- (b) a request has been made for the first opening of collective proceedings—

- (i) based on the insolvency of the employer, as provided for under the law of any part of the United Kingdom, and
      - (ii) involving the partial or total divestment of the employer's assets and the appointment of a liquidator or a person performing a similar task, and
    - (c) any of the following has decided to open the proceedings—
      - (i) a court,
      - (ii) a meeting of creditors, or
      - (iii) the creditors by a decision procedure.”;
  - (c) in paragraph (8B) for “paragraph (8A)” substitute “ this Article ”.
- (3) In Article 228 (as amended by paragraph 255(3))—
- (a) in paragraph (1)—
    - (i) in sub-paragraph (a) for “(2) or (4A)” substitute “ (2), (4ZA) or (4A) ”;
    - (ii) in sub-paragraph (b) for “(3) or (4A)” substitute “ (3), (4ZA) or (4A) ”;
    - (iii) in sub-paragraph (c) for “(4) or (4A)” substitute “ (4), (4ZA) or (4A) ”;
    - (iv) in sub-paragraph (d) for “(4A)” substitute “ (4ZA) or (4A) ”;
  - (b) after paragraph (4) insert—

“(4ZA) This paragraph is satisfied in the case of an employer if—

    - (a) the employer is a legal person,
    - (b) a request has been made for the first opening of collective proceedings—
      - (i) based on the insolvency of the employer, as provided for under the law of any part of the United Kingdom, and
      - (ii) involving the partial or total divestment of the employer's assets and the appointment of a liquidator or a person performing a similar task, and
    - (c) any of the following has decided to open the proceedings—
      - (i) a court,
      - (ii) a meeting of creditors, or
      - (iii) the creditors by a decision procedure.”;
  - (c) in paragraph (4B) for “paragraph (4A)” substitute “ this Article ”.

#### **Commencement Information**

**I231** Sch. para. 257 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### **Amendments to the Pension Schemes (Northern Ireland) Act 1993**

- 258.**—(1) The Pension Schemes (Northern Ireland) Act 1993 is amended as follows.
- (2) In section 119 (as amended by paragraph 256(2))—
- (a) in subsection (1)(d) for “(1A)” substitute “ (1ZA) or (1A) ”;
  - (b) after subsection (1) insert—

“(1ZA) This subsection is satisfied in the case of an employer if—

    - (a) the employer is a legal person,

**Changes to legislation:** *There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE. (See end of Document for details)*

- (b) a request has been made for the first opening of collective proceedings—
    - (i) based on the insolvency of the employer, as provided for under the law of any part of the United Kingdom, and
    - (ii) involving the partial or total divestment of the employer's assets and the appointment of a liquidator or a person performing a similar task, and
  - (c) any of the following has decided to open the proceedings—
    - (i) a court,
    - (ii) a meeting of creditors, or
    - (iii) the creditors by a decision procedure.”; and
- (c) in subsection (1B) for “subsection (1A)” substitute “ this section ”.

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**Commencement Information**

**I232** Sch. para. 258 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, SCHEDULE.