

Guide to the derivation of the Insolvency (England and Wales) Rules 2016 (SI 1024/2016)

This table indicates the derivation of provisions in the 2016 Rules. The 2016 Rules broadly derive from the 1986 Rules and forms. However there is rarely an exact match as the structure of the 2016 Rules is different, the language has been modernised and there have been significant changes, in particular as a result of amendments to the primary legislation made by the Enterprise and Regulatory Reform Act 2013, the Deregulation Act 2015, and the Small Business, Enterprise and Employment Act 2015. Furthermore the information requirements previously contained in forms have now been imported into the relevant rule as specified content. Finally the new Rules try to avoid copying out of the primary legislation. Instead they contain many references to Insolvency Act 1986 to enable the user to connect individual rules with the relevant provisions of the Act that the Rules supplement.

2016 Rule heading	2016 Rule	1986 Rule
<i>Introductory rules</i>		
Citation and commencement	1	0.1
Revocations	2	N/A
Extent and application	3	0.3
Transitional and savings provisions	4	13.14
Power of Secretary of State to regulate certain matters	5	12.1
Punishment of offences	6	12.21, Sch.5
Review	7	N/A
Part 1: Scope, interpretation, time and rules about documents		
<i>Chapter 1: Scope of these Rules</i>		
Scope	1.1	13.7
<i>Chapter 2: Interpretation</i>		
Defined terms	1.2	0.2, Part 13
Calculation of time periods	1.3	12A.55
<i>Chapter 3: Form and contents of documents</i>		
Requirement for writing and form of documents	1.4	12A.7
Authentication	1.5	12A.9
Information required to identify persons and proceedings etc.	1.6	N/A
Reasons for stating that proceedings are or will be main, secondary etc. under the EC Regulation	1.7	N/A
Prescribed format of documents	1.8	N/A
Variation from prescribed contents	1.9	N/A
<i>Chapter 4: Standard contents of Gazette notices and the Gazette as evidence etc.</i>		
Contents of notices to be gazetted under the Act or Rules	1.10	12A.33, 12A.36
Standard contents of all notices	1.11	12A.33, 12A.36
Gazette notices relating to a company	1.12	12A.34, 12A.36
Gazette notices relating to a bankruptcy	1.13	12A.35, 12A.36
The Gazette: evidence, variations and errors	1.14	12A.37
<i>Chapter 5: Standard contents of notices advertised otherwise than in the Gazette</i>		
Standard contents of notices advertised other than in the Gazette	1.15	12A.38, 12A.41
Non-Gazette notices relating to a company	1.16	12A.39, 12A.41
Non-Gazette notices relating to a bankruptcy	1.17	12A.40, 12A.41
Non-Gazette notices: other provisions	1.18	12A.41
<i>Chapter 6: Standard contents of documents to be delivered to the registrar of companies</i>		
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Standard contents of documents relating to the office of office-holders	1.22	12A.44
Standard contents of documents relating to other documents	1.23	12A.45
Standard contents of documents relating to court orders	1.24	12A.46
Standard contents of returns or reports of decisions	1.25	12A.47
Standard contents of returns or reports of matters considered by company members by correspondence	1.26	12A.47
Documents relating to other events	1.27	12A.48

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<i>Chapter 7: Standard contents of notices for delivery to other persons etc.</i>		
Standard contents of notices to be delivered to persons other than the registrar of companies	1.28	N/A
Standard contents of all notices	1.29	N/A
Standard contents of notices relating to the office of office-holders	1.30	N/A
Standard contents of notices relating to documents	1.31	N/A
Standard contents of notices relating to court proceedings or orders	1.32	N/A
Standard contents of notices of the results of decisions	1.33	N/A
Standard contents of returns or reports of matters considered by company members by correspondence	1.34	N/A
<i>Chapter 8: Applications to the court</i>		
Standard contents and authentication of applications to the court under Parts 1 to 11 of the Act	1.35	7.3
<i>Chapter 9: Delivery of documents and opting out (sections 246C, 248A, 379C and 383A)</i>		
Application of this Chapter	1.36	N/A
Delivery to the creditors and opting out	1.37	4.44, 6.74. (but not opt-out)
Creditor's election to opt out	1.38	N/A
Office-holder to provide information to creditors on opting-out	1.39	N/A
Delivery of documents to authorised recipients	1.40	12A.5
Delivery of documents to joint office-holders	1.41	12A.15
Postal delivery of documents	1.42	12A.3
Delivery by document exchange	1.43	N/A
Personal delivery of documents	1.44	12A.2
Electronic delivery of documents	1.45	12A.10
Electronic delivery of documents to the court	1.46	12A.14
Electronic delivery of notices to enforcement officers	1.47	12A.29
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<i>Chapter 2 : the proposal for a CVA (section 1)</i>		
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Nominee's report on proposal where the nominee is not the liquidator or administrator (section 2(2))	2.9	1.7

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Documents filed with the court to obtain a moratorium (paragraph 7(1) of Schedule A1)	2.14	1.39
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Notice of continuation of a moratorium where physical meeting of creditors is summoned (paragraph 8(3B) of Schedule A1)	2.16	N/A
Notice of decision extending or further extending a moratorium (paragraph 36 of Schedule A1)	2.17	1.41
Notice of court order extending or further extending or continuing or renewing a moratorium (paragraph 34(2) of Schedule A1)	2.18	1.41
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¹ Inserted into the Insolvency Rules 1986 by the Insolvency (Amendment) Rules 2015, to commence 1/10/15

² Inserted into the Insolvency Rules 1986 by the Insolvency (Amendment) Rules 2015, to commence 1/10/15

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