

## Amendment to the July 2018 Insolvency Practice Direction

In paragraph 3.3—

- 1) at the end of sub-paragraph (4), omit “and”;
- 2) at the end of sub-paragraph (5), for the full stop substitute a semi-colon;
- 3) after sub-paragraph (5) insert—  
“(6) applications for orders concerning moratoria contained in Chapters 1-6 of the Corporate Insolvency and Governance Act 2020; and  
(7) applications for order concerning the protection of supplies of goods and services.”

Distribution of business

### 3. Distribution of business

3.1 In the High Court, all petitions and applications, save where paragraph 3.2 below provides

otherwise, should be listed for an initial hearing before an ICC Judge in the Royal Courts of Justice, or

a District Judge Sitting in a District Registry.

3.2 The following applications relating to insolvent companies or insolvent individuals must be listed

before a High Court Judge:

- (1) applications for committal for contempt; and
- (2) applications for a search order (CPR 25.1(1)(h)) and a freezing order (CPR 25.1(1)(f)).

3.3 The following applications relating to insolvent companies or insolvent individuals may be listed

before a High Court Judge or ICC Judge but, subject to paragraph 3.4 below, not before a District Judge

Sitting in a District Registry or a District Judge:

- (1) applications for an administration order;
- (2) applications for an injunction pursuant to the Court’s inherent jurisdiction (e.g. to restrain the presentation or advertisement of a winding up petition);
- (3) interim applications and applications for directions or case management after any proceedings have been referred or adjourned to the High Court Judge;
- (4) applications for the appointment of a provisional liquidator;
- (5) applications for an injunction (other than those referred to in paragraph 3.2(2) above) pursuant to s.37 of the Senior Courts Act 1981, including an ancillary order under CPR 25.1(1)(g).
- (6) applications for orders concerning moratoria contained in Chapters 1-6 of the Corporate Insolvency and Governance Act 2020; and
- (7) applications for order concerning the protection of supplies of goods and services.

3.4 The following applications relating to insolvent companies or insolvent individuals may be listed

before a District Judge Sitting in a District Registry only with the consent of the Supervising Judge for the circuit in which the District Judge is sitting, or with the consent of the Supervising Judge's nominee:

- (1) applications pursuant to the Court's inherent jurisdiction (e.g. to restrain the presentation or advertisement of a winding up petition);
- (2) interim applications and applications for directions or case management after any proceedings have been referred or adjourned to a High Court Judge.

3.5 When deciding whether to hear and determine proceedings or to refer or adjourn them to a

different level of judge, regard must be had to the following factors:

- (1) whether the proceedings raise new or controversial points of law or have wide public interest implications;
- (2) which venue can provide the earliest date for the hearing;
- (3) the likely length of the hearing; and/or
- (4) whether the petition or application includes or is likely to include matters that must be heard by a High Court Judge under paragraph 3.2 above.