

BUSINESS AND PROPERTY COURTS
TEMPORARY INSOLVENCY PRACTICE DIRECTION
VARIATIONS AND GUIDANCE
FOR THE NORTH AND NORTH EASTERN CIRCUITS

Issued and effective 6 April 2020

1. This document sets out the variations and guidance for the conduct of insolvency proceedings on the North and North Eastern Circuits (the “Circuits”) as envisaged by paragraphs 2 and 4 of the Temporary Insolvency Practice Direction (the “TIPD”) dated 6 April 2020. This document uses the same defined terms as in the TIPD.
2. The variations and guidance herein shall have immediate effect unless and until superceded by further variations or guidance, or the TIPD itself ceases to have effect.

Paragraph 4 of the TIPD: Adjournment of pending applications and petitions

3. Thus far, the courts on the Circuits have only needed to adjourn a limited number of pending claims, applications and petitions of their own motion in response to the COVID-19 situation. Those matters that have been adjourned or are hereafter adjourned by the court for that reason can either,
 - (i) be the subject of an application by one or other of the parties for it to be relisted on the basis that it is genuinely urgent using the procedure set out in paragraph 5 of the TIPD, or
 - (ii) will be re-listed by the court as soon as is reasonably practicable, giving priority so far as possible to such matters over the listing of any new non-urgent matters.

Paragraph 5 of the TIPD: Listing urgent hearings

4. Paragraph 5 of the TIPD will apply to proceedings on the Circuits save that the references to such hearings being heard by a High Court Judge or an ICC Judge should be read as referring to hearings before a Judge authorised to sit under section 9 of the Senior Courts Act 1981 or a District Judge (as appropriate). The references to the clerk to a High Court Judge and to the clerks to the ICC Judges should be read as referring to the BPC court staff in each of the relevant centres, who should be contacted on the following emails:

Leeds
BPC.Leads@justice.gov.uk

Liverpool

Insolvency.liverpool.countycourt@justice.gov.uk;

Manchester

Manchester.chancery@justice.gov.uk

Newcastle

NewcastleBPC@justice.gov.uk

5. In addition to matters which of their nature are urgent, for the purpose of paragraph 5 of the TIPD, the following matters shall be also presumed to be urgent unless the court in a particular case thinks otherwise:
 - (i) Applications for relief from the consequences of sections 127 or 284 of the Insolvency Act 1986.
 - (ii) Petitions to wind up a company in the public interest.
 - (iii) Applications made pursuant to section 17 of the Company Directors' Disqualification Act 1986.
 - (iv) Applications made pursuant to section 216 of the Insolvency Act 1986.

Paragraph 7 of the TIPD: Temporary listing procedure for winding-up and bankruptcy petitions

6. Paragraph 7 of the TIPD will apply on the Circuits save that the reference to Court clerks should be read as referring to the BPC court staff in each of the relevant courts.

Local Business

7. Subject to the following, paragraphs 3.6 to 3.9 of the IPD shall continue in effect.
8. Matters comprising Local Business as defined in paragraph 3.7 of the IPD which are already listed before an open court or a staffed court shall be heard in accordance with directions given by the judge in that court. Matters comprising Local Business which are already listed in a suspended court will be heard remotely on the date and time fixed unless the judge at the suspended court orders otherwise.
9. Upon receipt of a new application at an open court or a staffed court, the application will be reviewed by a judge and, if the matter is Local Business, directions will be given on the application which may, if the circumstances require it, include the application being listed for an attended hearing at the nearest open court.
10. Any new applications or petitions which otherwise would have been issued in a suspended court should instead be issued in the nearest open court which has insolvency jurisdiction save that (a) any petitions which are required by the rules to be presented in one of the hearing centres specified in Insolvency Rule 10.11(4) should be entitled

with the name of the relevant centre but sent to the nearest open or staffed court with insolvency jurisdiction for issue on behalf of the relevant hearing centre, and (b) applications to set aside statutory demands must be issued out of the nearest hearing centre identified in Insolvency Rule 10.48(4) which is open or staffed.

Mr. Justice Snowden

Supervising Judge for the Business and Property Courts
on the North and North Eastern Circuits

6 April 2020