

## BUSINESS AND PROPERTY COURTS

### TEMPORARY INSOLVENCY PRACTICE DIRECTION

#### VARIATIONS AND GUIDANCE FOR THE MIDLAND, WESTERN AND WALES CIRCUITS (No 1)

Issued and effective 8 April 2020

1. This document sets out the variations and guidance for the conduct of insolvency proceedings on the Midland, Western and Wales 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 The variations and guidance herein shall have immediate effect unless and until superceded by further variations or guidance, or the TIPD itself ceases to have effect.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 petition**

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. This has been done using the court’s usual case management powers, applied in light of the COVID-19 situation, as it develops from time-to-time.

4. Those matters that have been adjourned or are hereafter adjourned by the court for that reason can either:

- (1) 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
- (2) 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**

5. 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 in the Circuits.

6. 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:

- (1) Applications for relief from the consequences of sections 127 or 284 of the Insolvency Act 1986.
- (2) Petitions to wind up a company in the public interest.

- (3) Applications made pursuant to section 17 of the Company Directors' Disqualification Act 1986.
- (4) 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**

- 7. 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**

- 8. Subject to the following, paragraphs 3.6 to 3.9 of the IPD shall continue in effect.
- 9. Matters comprising Local Business as defined in paragraph 3.7 of the IPD which are already listed shall be heard in accordance with directions given by the judge in that court.
- 10. Upon receipt of a new application, the application will be reviewed by a judge and, if the matter is Local Business, directions will be given on the application as appropriate.
- 11. Applications shall be entitled with the name of the relevant centre in which they would have been issued but for the TIPD, but that shall be without prejudice to the remote hearing of any such application.

The Honourable Mr Justice Marcus Smith

Supervising Judge for the Business and Property Courts  
(Midland, Western and Wales Circuits)

8 April 2020