



PILOT PRACTICE NOTE [REVISED]

Pilot Practice Note- Listing and Criteria for Transfer of Work (2024)

This Pilot Practice Note shall come into force on 1 April 2025 until 31 March 2026 and shall replace all previous Practice Notes relating to the criteria for transfer of work between the Royal Courts of Justice sitting in the Rolls Building, London and the County Court at Central London - Listing and Criteria for Transfer of Work (26 March 2015, 18 November 2024).

1. The effect of s.117(2A) Insolvency Act 1986 is that winding up petitions shall not be issued in the County Court at Central London.
2. All bankruptcy petitions allocated to the London Insolvency District under rule 12.5(a) (i) to (iv) or (b), must be presented, in accordance with rule 10.11 Insolvency (England & Wales) Rules 2016, to—
 - (a) the High Court where the debt is £50,000 or more; or
 - (b) the County Court at Central London where the debt is less than £50,000.
3. Insolvency proceedings which are to be listed before an ICC Judge in accordance with the Practice Direction - Insolvency Proceedings will continue to be issued and listed in the Royal Courts of Justice sitting in the Rolls Building. In each case consideration will be given by an ICC Judge at an appropriate stage to whether the proceedings will be heard in the High Court or County Court at Central London.
4. When deciding where the proceedings should be heard, the ICC Judges and Judges in the County Court at Central London shall have regard to CPR 1.1 and the following factors:
 - 4.1. The complexity of the proceedings;
 - 4.2. Whether the proceedings raise new or controversial points of law;
 - 4.3. The length of the hearing;
 - 4.4. Public interest in the proceedings;

4.5. The sums in issue in the proceedings.

5. Nothing in paragraph 4 shall preclude a party from making an application to the either the High Court or County Court for transfer. Any such application should refer to the paragraph 4 factors.
6. Subject to paragraph 4, the matters contained in paragraphs 7 to 9 shall be transferred to be heard in the County Court at Central London.

7. Personal Insolvency

- 7.1. Applications for a bankruptcy restrictions order where it appears likely that an order will be made for a period not exceeding five years.
- 7.2. Private examinations ordered to take place under s.366 Insolvency Act 1986;
- 7.3. Public examinations;
- 7.4. Applications issued for the purpose of enforcement;
- 7.5. Bankruptcy petitions where the petition debt is £500,000 or less;
- 7.6. Applications to set aside statutory demands where issued in the High Court and the debt claimed in the demand is £500,000 or less.

8. Corporate Insolvency

The following matters where the County Court has concurrent jurisdiction under s.117(2) Insolvency Act 1986:

- 8.1. Private examinations ordered to take place under s.236 Insolvency Act 1986;
- 8.2. Public examinations;
- 8.3. Applications issued for the purpose of enforcement;
- 8.4. Applications to extend the term of office of an administrator (para. 76 Sch. B1 Insolvency Act 1986);
- 8.5. Applications for permission to distribute the prescribed part (para. 65(3) Sch. B1 Insolvency Act 1986);
- 8.6. Applications made to fix the basis of or rate of remuneration under rules 18.23 and 18.24 Insolvency (England and Wales) Rules 2016.

9. Company law claims and Claims made to disqualify directors

9.1. Claims made to disqualify a director and applications for a bankruptcy restrictions order where it appears likely that an order will be made for a period not exceeding five years;

9.2. Applications issued for the purpose of enforcement;

9.3. Claims for the restoration of a company to the register (s.1029 Companies Act 2006);

9.4. Claims to extend the period allowed for the delivery of particulars relating to a charge (s.859F Companies Act 2006);

9.5. Claims to rectify the register (s.1096 Companies Act 2006), by reason of omission or mis-statement in any statement or notice delivered to the registrar of companies (s.859M Companies Act 2006) or to replace an instrument or debenture delivered to the registrar of companies (s.859N Companies Act 2006).

10. Pilot

10.1 This pilot will be applied by the ICC judges in the Rolls Building and in Central London County Court. It will be in force for 12 months in order to inform any relevant changes to the Insolvency Rules. The operation of this pilot will be reviewed during the course of 2025. In the event of relevant rule changes this Pilot Practice Note may be revoked or amended. It may also be extended for a further period.

Chief ICC Judge Briggs

Lord Justice Birss, Deputy Head of Civil Justice

20 December 2024