

THE CITY OF LONDON LAW SOCIETY
INSOLVENCY LAW COMMITTEE
(the **Committee**)

Minutes of a meeting of the Committee held at
Allen & Overy LLP
One Bishops Square, London E1 6AD
on Tuesday 19 January 2010 at 12.30pm

Present: Hamish Anderson, Norton Rose LLP (Chair)
Jennifer Marshall, Allen & Overy LLP
Helen Pattinson, Allen & Overy LLP
Emma Riddle, Lovells LLP
Chris Mallon, Skadden Arps Slate Meagher & Flom (UK) LLP
Ben Larkin, Berwin Leighton Paisner LLP
Ken Baird, Freshfields Bruckhaus Deringer LLP
Rita Lowe, CMS Cameron McKenna LLP
James Roome, Bingham McCutchen LLP
Rachael Hoar, Herbert Smith LLP
Sarah Lawson, Denton Wilde Sapte LLP
Lynda Elms, Slaughter & May LLP

Apologies: Stephen Gale, Herbert Smith LLP
Mark Andrews, Denton Wilde Sapte LLP
Patrick Corr, Sidley Austin LLP
Mark Hyde, Clifford Chance LLP
Stephen Foster, Lovells LLP
Ian Hodgson, Slaughter & May LLP
Tony Bugg, Linklaters LLP
Stuart Frith, Stephenson Harwood

In attendance: Rebecca Oliver, Norton Rose LLP (secretary)

1 Opening of meeting

The Chairman opened the meeting.

2 Minutes of the meeting held on 17 November 2009

The draft minutes of the meeting held on 17 November 2009 were approved.

3 Current consultations

The Chairman noted the following ongoing consultations:

Terms of reference	Working party	Deadline
A. Insolvency Service evaluation of the Cross-Border Insolvency Regulations 2006 which implemented UNCITRAL's Model Law on cross-border insolvency	Mark Hyde Jennifer Marshall	31 December 2009 Response submitted.

	Patrick Corr	submitted. Hamish Anderson to contact Insolvency Service to suggest further consultation following conclusion of <i>Perpetual Trustees</i> cases.
B. Insolvency Service consultation on Debtor Bankruptcy Petition Reform and Early Discharge from Bankruptcy launched 13 November 2009	Emma Riddle Stephen Foster Mike Woollard	8 February 2010 Response drafted to be circulated to Committee for comments.
C. HM Treasury consultation on establishing resolution arrangements for investment banks launched 16 December 2009	Chris Mallon (Chair) Jennifer Marshall Ken Baird to confirm Rita Lowe Ian Hodgson to be asked Stephen Gale to be asked	16 March 2010

4 Insolvency Service draft amendments to the insolvency rules

Parts of rules reviewed by members of the Committee:	Any issues identified (or confirmation of no issues to raise) to be circulated by:
Set-off	Stephen Foster, Emma Riddle, Patrick Corr & Tony Bugg
Proofs	Ben Larkin & Emma Riddle
Expenses	Mike Woollard
Remuneration	Rachael Hoar presented summary at meeting and no key issues to raise.
Meetings	Stuart Frith
Any general observations	Mike Woollard

5 The Banking Act 2009 (Exclusion of Insurers) Order 2010 No. 35

Noted by the Committee.

6 The Legislative Reform (Insolvency) (Miscellaneous Provisions) Order 2010 No.18

Noted by the Committee.

7 Insolvency Service report on the review of the IVA protocol published 21 December 2009

Noted by the Committee.

8 First Reading of Third Parties (Rights Against Insurers) Bill

Noted by the Committee.

9 The Committee noted the following recent cases:

Goldacre (Offices) Limited v Nortel Networks UK Limited (in administration) [2009] EWHC 3389 (Ch)

Mills & Ors v HSBC Trustee (C.I) Ltd & Ors [2009] EWHC 3377 (Ch)

Enterprise Managed Services Ltd v McFadden Utilities Ltd [2009] EWHC 3222

Enviroco Ltd v Farstad Supply A/S [2009] EWCA Civ 1399

10 Any other business

Secretary to circulate new meeting rota.

11 Next meeting

Thursday 25 March 2010 to be hosted by Tony Bugg, Linklaters LLP, time to be confirmed.

12 Close of business

There being no further business the meeting closed.