

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

Minutes of a meeting of the Committee held at Berwin Leighton Paisner LLP,  
Adelaide House, London Bridge, London EC4R 9HA  
on Thursday 19th January 2012 at 8.30a.m.

**Present:** Hamish Anderson, Norton Rose LLP (Chair)  
Ben Larkin, Berwin Leighton Paisner LLP  
Ken Baird, Freshfields Bruckhaus Deringer LLP  
Jennifer Marshall, Allen & Overy LLP  
Rita Lowe, CMS Cameron McKenna LLP  
Lynda Elms, Slaughter and May  
James Roome, Bingham McCutchen LLP  
Stuart Frith, Stephenson Harwood  
Sophie Davies, Berwin Leighton Paisner LLP  
Gabrielle Ruiz, Clifford Chance LLP  
Jo Windsor, Linklaters LLP  
Byron Nurse, Eversheds LLP  
Nigel Barnett, SNR Denton UK LLP  
Rachael Hoar, Herbert Smith LLP

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

**Apologies:** Patrick Corr, Sidley Austin LLP  
Ian Hodgson, Slaughter and May  
Mike Woollard, SJ Berwin LLP  
Adrian Cohen, Clifford Chance LLP  
Stephen Gale, Herbert Smith LLP  
Tony Bugg, Linklaters LLP  
Stephen Foster, Hogan Lovells International LLP  
Chris Mallon, Skadden Arps Slate Meagher & Flom (UK) LLP

**1 Opening of meeting**

The Chairman opened the meeting.

**2 Minutes of the meeting held on 17 November 2011**

The draft minutes of the meeting held on 17 November 2011 were approved.

**3 Current consultations**

The Chairman noted the following ongoing consultations:

Terms of reference	Working party/Action	Deadline

A. Modernisation of Insolvency Rules	Noted and to be kept under observation.	Draft rules and consultation expected first half 2012 and new rules not expected to come into force before October 2013.
B. BIS Select Committee inquiry into the Insolvency Service	Committee noted published evidence (see item 8 below).	30 December 2011 for submission of written evidence.
C. OFT guidance for all businesses engaged in recovery of consumer credit debts Supplementary Consultation	Noted only.	26 January 2012
D. Call for evidence: Collective Redundancy Consultation Rules November 2011	Byron Nurse to co-ordinate a response to the questions relating to insolvency matters with the CLLS Employment Committee	31 January 2012
E. Reform of the Process to Apply for Bankruptcy and Compulsory Winding Up	Jo Windsor Rita Lowe Stuart Frith  The working party's draft response was discussed and approved for submission by the Committee.	31 January 2012
F. European Commission consultation on its Green Paper: Restructuring and anticipation of change: what lessons from recent experience?	Jennifer Marshall (Chair) Adrian Cohen James Roome Jo Windsor Ian Hodgson Hamish Anderson	30 March 2012

#### **4 Stakeholder meeting with Insolvency Service on pre-packaged administration sales and proposed amendments to draft SI**

Hamish Anderson reported to the Committee on his attendance at the Insolvency Service stakeholder meeting to discuss pre-packaged administrations.

The Committee noted Baroness Hayter of Kentish Town's written questions in the House of Lords on 12 January 2012 as to the proposed changes to the pre-packaged insolvency sales regime. A response from BIS is expected by 26 January 2012.

#### **5 Summary of responses to BIS consultation on reforms to the regulation of insolvency practitioners published December 2011**

Noted by the Committee.

**6 Statement submitted by the Office of Fair Trading submitted to the House of Commons Business, Innovation and Skills Committee relating to the committee's inquiry into debt management**

Noted by the Committee.

**7 Administration expenses - contact with FMLC**

Hamish Anderson and Jennifer Marshall are due to meet with representatives of the FMLC on 25 January 2012.

**8 Parliamentary Business, Innovation and Skills Committee : written evidence submitted regarding its inquiry into the Insolvency Service**

Noted by the Committee.

**9 The Committee noted the following recent cases:**

*Maltby Holdings Ltd v Spratt and another* [2012] EWHC 4 (Ch)

*National Westminster Bank plc v Msaada Group (a firm) and others* [2011] EWHC 3423 (Ch) and *Re Virtualpurple Professional Services Ltd* [2011] EWHC 3487 (Ch) - the Committee noted the inconsistencies of the two decisions and it was suggested that this be discussed with the FMLC and/or the Insolvency Service.

*Rastelli Davide e C. Snc v Jean-Charles Hidoux* (Case C 191/10) [2011] EUECJ C-191/10

*Key2Law (Surrey) Ltd v De'Antiquis* [2011] EWCA Civ 1567

*Spaceright Europe Ltd v Baillavoine and another* [2011] EWCA Civ 1565

*Re Bezier Acquisitions Ltd* [2011] EWHC 3299 (Ch)

*Zaza Retail (Area of Freedom, Security and Justice)* (Case C-112/10) [2011] EUECJ

*Amble Assets LLP and another v Longbenton Foods Ltd* [2011] EWHC 1943 (Ch)

**10 Any other business**

None reported.

**11 Next meeting**

Thursday 15 March 2012, to be hosted by Chris Mallon, Skadden, Arps, Slate, Meagher & Flom (UK) LLP at a time to be confirmed.

**12 Close of business**

There being no further business the meeting closed.