




THE CITY OF LONDON LAW SOCIETY INSOLVENCY LAW COMMITTEE
MINUTES OF THE MEETING HELD AT LINKLATERS LLP,
ONE SILK ST, LONDON EC2Y 8HQ ON THURSDAY 16th JANUARY 2020 AT 8.30am

Present: Catherine Balmond, Freshfields Bruckhaus Deringer LLP (chair)
 Jo Windsor, Linklaters LLP
 Hamish Anderson, Norton Rose Fulbright LLP
 Kevin Pullen, Herbert Smith Freehills LLP
 Ben Larkin, Jones Day
 Adrian Cohen, Clifford Chance LLP
 Gabrielle Ruiz, Clifford Chance LLP
 Joe Bannister, Hogan Lovells International LLP
 Inga West, Ashurst LLP
 Dominic McCahill, Skadden Arps Slate Meagher & Flom (UK) LLP
 Ian Fox, Dentons UK and Middle East LLP
 James Roome, Akin Gump Strauss Hauer & Feld
 Megan Sparber, Slaughter and May
 Peter Wiltshire, CMS Cameron McKenna LLP
 David Ereira, Paul Hastings (Europe) LLP
 Stuart Frith, Stephenson Harwood LLP
 Ross Miller, Simmons & Simmons LLP

Apologies: Jennifer Marshall, Allen & Overy LLP
 Giles Boothman, Ashurst LLP
 Ben Klinger, Brown Rudnick LLP
 Ian Johnson, Slaughter and May

- 1 Opening of meeting.
- 2 The minutes of the meeting held on 21st November 2019 were approved.
- 3 Current consultations/proposals

Terms of reference	Working party	Comments/Update
A. BEIS response on insolvency and corporate governance consultations of 2016 and 2018 published 26 August 2018: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/736163/ICG_-_Government_response_doc_-_24_Aug_clean_version_with_Minister_s_photo_and_signature_AC.pdf	Jennifer Marshall Catherine Balmond Katharina Crinson Jo Windsor Ian Johnson Inga West Dominic McCahill Hamish Anderson	Meeting with Insolvency Service held 4 December 2018. Joint CLLS and ILA paper commenting on reform proposals submitted to the Insolvency Service 27 February 2019.  BK-#47806318-v5-Joint_ILA__CLLS_respor
B. Insolvency Service informal stakeholder consultation on appointment of administrators		

<p>and electronic filing</p>  <p>Stakeholder doc (final).docx</p>		
<p>C. Joint ILA/CLLS response to the draft Pension Schemes Bill 2019</p>	<p>Katharina Crinson Jennifer Marshall</p>	<p>Submitted 10 January 2020.</p>  <p>CLLS_ response to Pension schemes bill.L</p> <p>The Committee noted the response. As at the date of the meeting, no formal acknowledgment had yet been received.</p>

4 Brexit – implications for restructuring and insolvency

There was a discussion about the current status of proposed corporate insolvency reforms and the timing of any potential implementation through primary legislation, given the amount of legislative time that was expected to be devoted during the course of 2020 to preparations for the UK's exit from the EU. This discussion included consideration of the wider legislative agenda, insofar as it impacted on insolvency related matters, and of the role which the Committee should take in shaping that agenda, given its mandate.

It was agreed that a working group comprising [Catherine Balmond, Hamish Anderson, David Ereira, James Roome and Jo Windsor] should potentially be established, if appropriate given the Committee's mandate, in order to develop thinking in this area.

5 Queen's Speech 2019

It was noted that the Queen's Speech included both the introduction of an airline insolvency special administration regime and the reintroduction of the Pension Schemes Bill, which had previously been discussed by the Committee.

It was also noted that proposals dealing with corporate insolvency reform and crown preference did not appear in the Queens Speech, but that this did not preclude the crown preference provisions appearing in the Budget. Budget Day was currently expected to be 11 March 2020.

6 Insolvency Practitioners and Insolvency Services Account (Fees) (Amendment) Order 2019, SI 2019/1427 in force (from 31 December 2019)

Noted by the Committee.

7 The following recent cases were noted by the Committee:

Eason and another v Skeggs Beef Ltd [2019] EWHC 2607 (Ch) (Marcus Smith J) and Edwards and another v SJ Henderson & Company Ltd [2019] EWHC 2742 (Ch) (ICC Judge Burton).

Woodside and another v Keyworker Homes (North West) Ltd [2019] EWHC 3499 (Ch)

Causer and another v All Star Leisure (Group) Ltd [2019] EWHC 3231 (Ch)

Tiger and others [2019] EUECJ C-493/18

Baker and another v Biomethane (Castle Easton) Ltd [2019] EWHC 3298 (Ch)

Re Moss Groundworks Ltd [2019] EWHC 2825 (Ch) and [2019] EWHC 3079 (Ch)

Shinners and another (Joint Administrators of London Bridge Entertainment Partners LLP) v London Trocadero (2015) LLP [2019] EWHC 2932 (Ch)

Williams and another v Carraway Guildford (Nominee A) Ltd and others (Re Regis UK Limited (in administration)) [2019] EWHC 3073 (Ch)

Re Inspired Asset Management Ltd [2019] EWHC 3301

8 Any other business

It was noted that:-

- Dean Beale had been promoted to CEO of the Insolvency Service on 4 December.
- Dean Beale and Paul Bannister had been invited to a meeting with representatives of both this Committee and the ILA with a view to discussing both proposed insolvency-related legislative changes and the impact of other legislative developments.
- The annual dinner for members of CLLS specialist committees to be held at Cutlers' Hall, Warwick Lane, London, EC4M 7BR on Tuesday 4th February at 6.30pm.

9 Next meeting

Thursday 12th March 2020, a week earlier than planned due to the INSOL conference in Cape Town. The meeting is to be hosted by Giles Boothman at Ashurst LLP, at 8.30am.