

THE CITY OF LONDON LAW SOCIETY INSOLVENCY LAW COMMITTEE
MINUTES OF THE MEETING HELD AT SLAUGHTER AND MAY,
ONE BUNHILL ROW, LONDON EC1Y 8YY
AND BY VIDEO CONFERENCE CALL
ON THURSDAY 18th NOVEMBER 2021 AT 12.30pm

Present: Jennifer Marshall, Allen & Overy LLP (chair)
Catherine Balmond, Freshfields Bruckhaus Deringer LLP
Katharina Crinson, Freshfields Bruckhaus Deringer LLP
Ian Johnson, Slaughter & May
Megan Sparber, Slaughter & May
Hamish Anderson, Norton Rose Fulbright LLP
Giles Boothman, Ashurst LLP
Inga West, Ashurst LLP
Jo Windsor, Linklaters LLP
Joe Bannister, Hogan Lovells International LLP
Dominic McCahill, Skadden Arps Slate Meagher & Flom (UK) LLP
David Ereira, Paul Hastings (Europe) LLP
Simon Thomas, Goodwin Procter (UK) LLP
Adrian Cohen, Clifford Chance LLP
Gabrielle Ruiz, Clifford Chance LLP
Ian Fox, Dentons UK and Middle East LLP

Apologies: James Roome, Akin Gump Strauss Hauer & Feld
Kevin Pullen, Herbert Smith Freehills LLP
Ben Klinger, Seddons Law LLP
Ben Larkin, Jones Day
Peter Wiltshire, CMS Cameron McKenna LLP
Ross Miller, Simmons & Simmons LLP
Byron Nurse

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

- 1 Opening of meeting.
- 2 The minutes of the meeting held on 14th September 2021 were approved.
- 3 Current consultations/proposals

Terms of reference	Working party	Comments/Update
A. DWP consultation on Strengthening The Pensions Regulator's Powers: Notifiable Events (Amendments) Regulations 2021 https://www.gov.uk/government/consultations/strengthening-the-pensions-regulators-powers-notifiable-events-amendments-regulations-2021	Noted and will put on agenda for consideration of outcomes when available.	Closing date 27 October 2021
B. BEIS, HM Treasury and HMRC joint consultation on Corporate Re-domiciliation https://www.gov.uk/government/consultations/corporate-re-domiciliation	A specific section on insolvency we will consider. Working party: David Ereira Joe Windsor	Closing date 7 January 2022

4 Payment and Electronic Money Institution Insolvency (England and Wales) Rules 2021 (SI 2021/1178) (in force from 12 November 2021)

https://www.legislation.gov.uk/uksi/2021/1178/pdfs/uksi_20211178_en.pdf

Noted by the Committee.

5 Commercial Rent (Coronavirus) Bill

<https://bills.parliament.uk/bills/3064>

[Commercial rents code of practice, November 2021](#)

Noted by the Committee.

6 Insolvency Service Annual Report and Accounts 2020-2021

<https://www.gov.uk/government/publications/the-insolvency-service-annual-report-and-accounts-2020-2021>

Noted by the Committee.

7 Company Insolvency Statistics: July to September 2021

<https://www.gov.uk/government/statistics/company-insolvency-statistics-july-to-september-2021>

Noted by the Committee.

8 Recent cases noted by the Committee:

Lehman Brothers Holdings Scottish LP 3 v Lehman Brothers Holdings Plc and others [2021] EWCA Civ 1523

The Financial Conduct Authority v Carillion Plc [2021] EWHC 2871 (Ch)

Carillion Services Ltd (In compulsory liquidation) and others v Benson and others EA-2021-000269-BA, the EAT

Young v Nero Holdings Limited and others [2021] EWHC 2600 (Ch)

Absolute Living Developments Limited (in liquidation) v DS7 Limited & Others [2021] EWHC 2311

Re Dealmaster Ltd [2021] EWHC 2892 (Ch)

Emerald Pasture Designated Activity Co and other companies v Cassini SAS and another [2021] EWHC 2443 (Ch)

9 Any other business

The Committee discussed the special administration regime for energy companies in anticipation of its use as more energy companies failed. [Post meeting, Bulb Energy entered into administration on 24 November 2021.]

10 Next meeting

Thursday 20th January 2022, due to be hosted by Ian Fox, Dentons UKMEA LLP, at a time to be confirmed.