

## **The Insolvency Express Trials Pilot**

From 6 April 2016 a new regime for insolvency cases is to begin as a two year pilot in the registrars' courts in the Chancery Division of the High Court at the Rolls Building. The aim of the Insolvency Express Trials pilot will be to provide litigants in the Bankruptcy and Companies Court with a speedy, streamlined procedure, and an early date for the trial or disposal of simple applications by the bankruptcy registrars with consequential costs savings for the parties.

Use of the IET pilot scheme will be voluntary: applicants will be able to decide which of their cases (if any) should proceed under the scheme, but there is provision for the respondent to object and for the court to remove an application from the IET list if it thinks fit.

The costs management provisions of the CPR will not apply, but there will be a costs cap, at present fixed at £75,000. (This was fixed before the abolition of the insolvency exemption from the Legal Aid Sentencing and Punishment of Offenders Act 2012 which otherwise removed the ability to recover CFA uplifts and after-the-event insurance premiums. It is hoped that the present figure can be reduced as a result.)

The IET pilot will only apply to simple applications which require limited directions and disclosure (only one directions hearing is envisaged) and can be disposed of finally in no more than two days. The trial date given will be a fixture and will not be capable of being vacated by consent; and an adjournment will only be granted in exceptional circumstances. If sufficient time has been allowed in the time estimate judgment will generally be given at the trial. If judgment is reserved it will generally be handed down within four weeks of the trial. Costs will either be assessed summarily or detailed assessment may be ordered.

A Practice Direction will be published in the near future.

Comments and suggestions from users of the IET scheme should be sent to me or Mr Registrar Briggs.

Stephen Baister

Chief Bankruptcy Registrar

22 March 2016