

Electronic Filing in the Bankruptcy & Companies Court (Rolls Building)

Electronic issuing and filing

From 1 October 2015 an electronic file will be maintained of all proceedings commenced in the Bankruptcy & Companies Court in the Royal Courts of Justice at the Rolls Building. Proceedings commenced before that date and for which a paper file has been maintained will continue to be operated as a paper file.

Court users will not be able to issue proceedings electronically until either a change has been made to the Insolvency Rules 1986 or a Practice Direction has been issued (see rule 12A.14 Insolvency Rules 1986). Until then documents will be issued at the public counter and by post and scanned onto the electronic file. Staff will ask for longer documents such as witness statements and large exhibits to be emailed to the court.

A guide to issuing electronically is available on line at <http://www.ce-file.uk/>.

Fees

Fees will have to be paid using Payment by Account or a debit card. For further information see: <http://libra.lcd.gsi.gov.uk/hmcts/documents/fee-account/fee-account-promotional-a4-leaflet.pdf>

NB: The official receiver's deposit must still be paid by cheque.

Case numbers

All proceedings commenced on or after 1 October 2015 will be given a new style of number: Companies Court case numbers will take the form CR-2015-0000000; bankruptcy case numbers BR-2015-000000.

Sub-applications

Where in existing insolvency proceedings (e.g. a bankruptcy or a winding up after the making of a winding up order by the court) an application is made by application notice (Form 7.1A) seeking new relief (what used to be called an originating application but is now an application in proceedings which are not already before the court) a unique identifying number will be allocated to the new application as well as the case number. That unique identifying number **MUST** be included (as well as the case number) in all documents filed in relation to that substantive application (including applications made in the substantive application) so that they can be linked to the substantive application to which they relate. Documents filed which do not comply with that requirement will be rejected.

Saving original documents

Where parties file material electronically the original (signed) documents (including the original exhibits to any witness statement filed) must be preserved and must be made available for inspection if required.

Bundles

In the majority of routine cases it is expected that the court will rely on the electronic file only, for example when dealing with multiply listed bankruptcy and winding up

petitions and hearings for directions lasting no more than 30 minutes. Where the documentation the court is likely to be required to read is substantial (30 pages or more) or complex or an application is listed for more than 30 minutes a paper bundle (together with any skeleton argument relied on) should be lodged in accordance with the relevant provisions of the Chancery Guide or any order made. The court will operate a strict “no bundle, no hearing” rule: if no bundle is lodged when one is required the hearing will be vacated.

Multiple filing

Parties should avoid sending to the court documentation in more than one form (for example, a fax followed by an original letter). They should also not send to the court routine correspondence passing between the parties on which the court will not normally act.

Inspection

Any electronic file maintained by the court will continue to be a complete record of any insolvency proceedings with which the court is dealing or has dealt and will remain available for inspection in the same way as a paper file.

Comments

Any comments or suggestions arising out of the move to electronic filing will be gratefully received. Please send any to rcjcompanies.orders@hmcts.gsi.gov.uk marked “Electronic filing”.

Stephen Baister
Chief Bankruptcy Registrar
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