

SCHEDULES

SCHEDULE 8

Article 25.

INDIVIDUAL INSOLVENCY: MINOR AND CONSEQUENTIAL AMENDMENTS

1. The 1989 Order shall be amended as follows.

Commencement Information

I1 Sch. 8 paras. 1-17 wholly in operation at 27.3.2006, see art. 1(3) and S.R. 2006/21, art. 2 (subject to S.R. 2006/22, arts. 2-7)

2. In Article 2(2) (general interpretation), in the definition of “the official receiver” for “or winding up” (twice) substitute “, winding up or individual voluntary arrangement ”.

Commencement Information

I2 Sch. 8 paras. 1-17 wholly in operation at 27.3.2006, see art. 1(3) and S.R. 2006/21, art. 2 (subject to S.R. 2006/22, arts. 2-7)

3. In Article 238(1) (who may present a bankruptcy petition), omit sub-paragraph (d) and the word “or” before it.

Commencement Information

I3 Sch. 8 paras. 1-17 wholly in operation at 27.3.2006, see art. 1(3) and S.R. 2006/21, art. 2 (subject to S.R. 2006/22, arts. 2-7)

4. Article 249 (bankruptcy: summary administration) shall cease to have effect.

Commencement Information

I4 Sch. 8 paras. 1-17 wholly in operation at 27.3.2006, see art. 1(3) and S.R. 2006/21, art. 2 (subject to S.R. 2006/22, arts. 2-7)

5. Article 251 (petition in respect of a solicitor) shall cease to have effect.

Commencement Information

I5 Sch. 8 paras. 1-17 wholly in operation at 27.3.2006, see art. 1(3) and S.R. 2006/21, art. 2 (subject to S.R. 2006/22, arts. 2-7)

6. In Article 256 (annulment of bankruptcy)—

- (a) omit paragraph (3) (annulment of bankruptcy order made in respect of a solicitor),
- (b) in paragraph (4) (effect of annulment) after “Article 235” insert “ or 237D ”, and

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(c) omit paragraph (5) (previous bankruptcy: disregard of annulled bankruptcy).

Commencement Information

16 Sch. 8 paras. 1-17 wholly in operation at 27.3.2006, see art. 1(3) and S.R. 2006/21, art. 2 (subject to S.R. 2006/22, arts. 2-7)

7. For Article 264(4) (co-operation with official receiver) substitute—

“(4) The bankrupt shall give the official receiver such inventory of his estate and such other information, and shall attend on the official receiver at such times, as the official receiver may reasonably require—

(a) for a purpose of this Chapter, or

(b) in connection with the making of a bankruptcy restrictions order.”.

Commencement Information

17 Sch. 8 paras. 1-17 wholly in operation at 27.3.2006, see art. 1(3) and S.R. 2006/21, art. 2 (subject to S.R. 2006/22, arts. 2-7)

8. In Article 265(1)(a) (trustee in bankruptcy: power to appoint) omit the words “except at a time when a certificate for the summary administration of the bankrupt's estate is in force,”.

Commencement Information

18 Sch. 8 paras. 1-17 wholly in operation at 27.3.2006, see art. 1(3) and S.R. 2006/21, art. 2 (subject to S.R. 2006/22, arts. 2-7)

9. In Article 266(1) (trustee in bankruptcy: meeting to appoint) omit the words “and no certificate for the summary administration of the bankrupt's estate has been issued,”.

Commencement Information

19 Sch. 8 paras. 1-17 wholly in operation at 27.3.2006, see art. 1(3) and S.R. 2006/21, art. 2 (subject to S.R. 2006/22, arts. 2-7)

10. In Article 267(1) (power of creditors to requisition meeting) omit the words—

“and

(b) a certificate for the summary administration of the estate is not for the time being in force,”.

Commencement Information

110 Sch. 8 paras. 1-17 wholly in operation at 27.3.2006, see art. 1(3) and S.R. 2006/21, art. 2 (subject to S.R. 2006/22, arts. 2-7)

11. In Article 270 (trustee: special cases)—

(a) omit paragraphs (1) and (2), and

- (b) in paragraph (3) omit the words “but no certificate for the summary administration of the estate is issued”.

Commencement Information

I11 Sch. 8 paras. 1-17 wholly in operation at 27.3.2006, see art. 1(3) and S.R. 2006/21, art. 2 (subject to S.R. 2006/22, arts. 2-7)

12. Omit Article 271(2) (removal of trustee: summary administration).

Commencement Information

I12 Sch. 8 paras. 1-17 wholly in operation at 27.3.2006, see art. 1(3) and S.R. 2006/21, art. 2 (subject to S.R. 2006/22, arts. 2-7)

13. In Article 273 (trustee: vacancy)—
- (a) omit paragraph (5), and
- (b) in paragraphs (6) and (7) omit the words “or (5)”.

Commencement Information

I13 Sch. 8 paras. 1-17 wholly in operation at 27.3.2006, see art. 1(3) and S.R. 2006/21, art. 2 (subject to S.R. 2006/22, arts. 2-7)

14. In Article 325(5) (concealment of property) after “the official receiver” insert “, the trustee”.

Commencement Information

I14 Sch. 8 paras. 1-17 wholly in operation at 27.3.2006, see art. 1(3) and S.R. 2006/21, art. 2 (subject to S.R. 2006/22, arts. 2-7)

15. At the end of Article 326 (concealment and falsification of records) add—
- “(5) In their application to a trading record paragraphs (2)(d) and (3)(b) shall have effect as if the reference to 12 months were a reference to two years.
- (6) In paragraph (5) “trading record” means a book, document or record which shows or explains the transactions or financial position of a person's business, including—
- (a) a periodic record of cash paid and received,
- (b) a statement of periodic stock-taking, and
- (c) except in the case of goods sold by way of retail trade, a record of goods sold and purchased which identifies the buyer and seller or enables them to be identified.”.

Commencement Information

I15 Sch. 8 paras. 1-17 wholly in operation at 27.3.2006, see art. 1(3) and S.R. 2006/21, art. 2 (subject to S.R. 2006/22, arts. 2-7)

- 16.—(1) Schedule 6 (scope of insolvency rules) shall be amended as follows.
- (2) After paragraph 6 (deeds of arrangement and voluntary arrangements) insert—

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“Official receiver acting on voluntary arrangement

6A. Provision about the official receiver acting as nominee or supervisor in relation to a voluntary arrangement under Part VIII, including—

- (a) provision requiring the official receiver to act in specified circumstances;
- (b) provision about remuneration;
- (c) provision prescribing terms or conditions to be treated as forming part of a voluntary arrangement in relation to which the official receiver acts as nominee or supervisor;
- (d) provision enabling those terms or conditions to be varied or excluded, in specified circumstances or subject to specified conditions, by express provision in an arrangement.”.

(3) After paragraph 27 (records) insert—

“Bankruptcy restrictions orders and undertakings

27A. Provision about bankruptcy restrictions orders, interim orders and undertakings, including—

- (a) provision about evidence;
- (b) provision enabling the amalgamation of the register mentioned in paragraph 12 of Schedule 2A with another register;
- (c) provision enabling inspection of that register by the public.”.

Commencement Information

I16 Sch. 8 paras. 1-17 wholly in operation at 27.3.2006, see art. 1(3) and S.R. 2006/21, art. 2 (subject to S.R. 2006/22, arts. 2-7)

17. In Schedule 7 (punishment of offences)—

- (a) in the entry for Article 41(1) omit “Undischarged”, and
- (b) omit the entries for Articles 332(1) and 333(1).

Commencement Information

I17 Sch. 8 paras. 1-17 wholly in operation at 27.3.2006, see art. 1(3) and S.R. 2006/21, art. 2 (subject to S.R. 2006/22, arts. 2-7)

Changes to legislation:

There are currently no known outstanding effects for the The Insolvency (Northern Ireland) Order 2005, SCHEDULE 8.