

Changes to legislation: There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, SCHEDULE 10. (See end of Document for details)

SCHEDULES

SCHEDULE 10

Section 133

TRUSTEES IN BANKRUPTCY

Insolvency Act 1986 (c. 45)

1 The Insolvency Act 1986 is amended as provided in paragraphs 2 to 11.

Commencement Information

II Sch. 10 para. 1 in force at 6.4.2017 for E.W. by S.I. 2016/1020, reg. 4(f)

2 In section 286(3) (interim receiver to have powers and duties conferred by section 287) for “of a receiver and manager under” substitute “given by”.

Commencement Information

I2 Sch. 10 para. 2 in force at 6.4.2017 for E.W. by S.I. 2016/1020, reg. 4(f)

3 (1) Section 287 (receivership pending appointment of first trustee) is amended as follows.

(2) For the heading substitute “Powers of interim receiver”.

(3) In subsection (1)—

- (a) for the words from the beginning to “official receiver” substitute “An interim receiver appointed under section 286”;
- (b) for “bankrupt's estate” substitute “debtor's property”.

(4) In subsection (2)—

- (a) for “the official” substitute “an interim”;
- (b) for “bankrupt's estate” substitute “debtor's property”;
- (c) for “the estate” (in both places) substitute “the property”.

(5) In subsection (3)—

- (a) for “The official” substitute “An interim”;
- (b) for “of the estate” substitute “of the debtor's property”;
- (c) in paragraph (a), for the words from “any” to the end substitute “the debtor's property”;
- (d) for paragraph (b), substitute—
 - “(b) is not required to do anything that involves his incurring expenditure, except in pursuance of directions given by—
 - (i) the Secretary of State, where the official receiver is the interim receiver, or

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- (ii) the court, in any other case,”;
 - (e) in paragraph (c) for “bankrupt’s” substitute “debtor’s”.
- (6) In subsection (4)—
- (a) for paragraph (a) substitute—
 - “(a) an interim receiver acting as receiver or manager of the debtor’s property under this section seizes or disposes of any property which is not the debtor’s property, and”;
 - (b) in paragraph (b) for “official receiver” substitute “interim receiver”;
 - (c) for “official receiver is” substitute “interim receiver is”;
 - (d) for “bankruptcy” substitute “interim receivership”.
- (7) Omit subsection (5).

Commencement Information

I3 Sch. 10 para. 3 in force at 6.4.2017 for E.W. by S.I. 2016/1020, reg. 4(f)

- 4 Omit section 291(1) to (3) (bankrupt’s duty to deliver possession of estate to official receiver).

Commencement Information

I4 Sch. 10 para. 4 in force at 6.4.2017 for E.W. by S.I. 2016/1020, reg. 4(f)

- 5 (1) Section 292 (power to make appointments) is amended as follows.
- (2) For the heading substitute “Appointment of trustees: general provision”.
- (3) For subsection (1) substitute—
- “(1) This section applies to any appointment of a person (other than the official receiver) as trustee of a bankrupt’s estate.”
- (4) Omit subsection (5).

Commencement Information

I5 Sch. 10 para. 5 in force at 6.4.2017 for E.W. by S.I. 2016/1020, reg. 4(f)

- 6 Omit sections 293 to 295 (meeting of creditors to appoint first trustee).

Commencement Information

I6 Sch. 10 para. 6 in force at 6.4.2017 for E.W. by S.I. 2016/1020, reg. 4(f)

- 7 In section 296 (appointment of trustee by Secretary of State)—
- (a) in subsection (1) omit “(other than section 297(1) below)”;
 - (b) in subsection (3) omit “or on a reference under section 295”.

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I7 Sch. 10 para. 7 in force at 6.4.2017 for E.W. by S.I. 2016/1020, reg. 4(f)

8 Omit section 297.

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I8 Sch. 10 para. 8 in force at 6.4.2017 for E.W. by S.I. 2016/1020, reg. 4(f)

9 (1) Section 298 (removal of trustees) is amended as follows.

(2) Omit subsection (2).

(3) In subsection (4)—

(a) for “section 293(3) or 295(4)” substitute “ section 291A(1) ”;

(b) for “section 297(5)” substitute “ section 291A(2) ”.

Commencement Information

I9 Sch. 10 para. 9 in force at 6.4.2017 for E.W. by S.I. 2016/1020, reg. 4(f)

10 Omit paragraph 10 of Schedule 9 (exercise by official receiver of functions under section 287).

Commencement Information

I10 Sch. 10 para. 10 in force at 6.4.2017 for E.W. by S.I. 2016/1020, reg. 4(f)

11 In paragraph 30 of Schedule 9 omit “, of the official receiver while acting as a receiver or manager under section 287”.

Commencement Information

I11 Sch. 10 para. 11 in force at 6.4.2017 for E.W. by S.I. 2016/1020, reg. 4(f)

Enterprise and Regulatory Reform Act 2013 (c. 24)

12 In Schedule 19 to the Enterprise and Regulatory Reform Act 2013, omit paragraphs 20 to 22.

Commencement Information

I12 Sch. 10 para. 12 in force at 6.4.2017 for E.W. by S.I. 2016/1020, reg. 4(f)

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