



2016 CHAPTER 2

Powers of liquidator and trustee

Powers of liquidator exercisable with or without sanction in a winding up

- 7.—(1) Schedule 2 to the Insolvency Order is amended as follows.
- (2) In Part 1 (powers exercisable with sanction), paragraph 3 is repealed.
- (3) In Part 3 (powers exercisable without sanction in any winding up), after paragraph 7, insert—

“7A. Power to compromise, on such terms as may be agreed—

- (a) all calls and liabilities to calls, all debts and liabilities capable of resulting in debts, and all claims (present or future, certain or contingent, ascertained or sounding only in damages) subsisting or supposed to subsist between the company and a contributory or alleged contributory or other debtor or person apprehending liability to the company, and

- (b) subject to paragraph 2 in Part 1 of this Schedule, all questions in any way relating to or affecting the assets or the winding up of the company,

and take any security for the discharge of any such call, debt, liability or claim and give a complete discharge in respect of it.”.

Powers of trustee exercisable with or without sanction in a bankruptcy

- 8.—(1) Schedule 3 to the Insolvency Order is amended as follows.
- (2) In Part 1 (powers exercisable with sanction)—
- (a) paragraph 6 is repealed; and
- (b) in paragraph 8, the words “or by the trustee on any person” are repealed.

(3) In Part 2 (powers exercisable without sanction), after paragraph 10, insert—

“10A. Power to refer to arbitration, or compromise on such terms as may be agreed, any debts, claims or liabilities subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt.

10B. Power to make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the bankrupt’s estate made or capable of being made by the trustee on any person”.