

Status: Point in time view as at 01/10/1992.

Changes to legislation: Insolvency Act 1986, SCHEDULE 7 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 7

Section 396.

INSOLVENCY PRACTITIONERS TRIBUNAL

Panels of members

- 1 (1) The Secretary of State shall draw up and from time to time revise—
- (a) a panel of persons who
 - [^{F1}(i) have a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (ii) are advocates or solicitors in Scotland of at least 7 years' standing,], and are nominated for the purpose by the Lord Chancellor or the Lord President of the Court of Session, and
 - (b) a panel of persons who are experienced in insolvency matters;
- and the members of the Tribunal shall be selected from those panels in accordance with this Schedule.
- (2) The power to revise the panels includes power to terminate a person's membership of either of them, and is accordingly to that extent subject to [^{F2}section 7 of the Tribunals and Inquiries Act 1992](which makes it necessary to obtain the concurrence of the Lord Chancellor and the Lord President of the Court of Session to dismissals in certain cases).

Textual Amendments

- F1** Sch. 7 para. 1(1)(a)(i)(ii) substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), [Sch. 10 para. 67](#)
- F2** Words in [Sch. 7 para. 1\(2\)](#) substituted (1.10.1992) by [Tribunals and Enquiries Act 1992 \(c. 53\)](#), ss. 18(1), 19(2), [Sch. 3 para. 19](#)

Remuneration of members

- 2 The Secretary of State may out of money provided by Parliament pay to members of the Tribunal such remuneration as he may with the approval of the Treasury determine; and such expenses of the Tribunal as the Secretary of State and the Treasury may approve shall be defrayed by the Secretary of State out of money so provided.

Sittings of Tribunal

- 3 (1) For the purposes of carrying out their functions in relation to any cases referred to them, the Tribunal may sit either as a single tribunal or in two or more divisions.

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- (2) The functions of the Tribunal in relation to any case referred to them shall be exercised by three members consisting of—
- (a) a chairman selected by the Secretary of State from the panel drawn up under paragraph 1(1)(a) above, and
 - (b) two other members selected by the Secretary of State from the panel drawn up under paragraph 1(1)(b).

Procedure of Tribunal

- 4 (1) Any investigation by the Tribunal shall be so conducted as to afford a reasonable opportunity for representations to be made to the Tribunal by or on behalf of the person whose case is the subject of the investigation.
- (2) For the purposes of any such investigation, the Tribunal—
- (a) may by summons require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any books, papers and other records in his possession or under his control which the Tribunal consider it necessary for the purposes of the investigation to examine, and
 - (b) may take evidence on oath, and for the purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined;
- but no person shall be required, in obedience to such a summons, to go more than ten miles from his place of residence, unless the necessary expenses of his attendance are paid or tendered to him.
- (3) Every person who—
- (a) without reasonable excuse fails to attend in obedience to a summons issued under this paragraph, or refuses to give evidence, or
 - (b) intentionally alters, suppresses, conceals or destroys or refuses to produce any document which he may be required to produce for the purpose of an investigation by the Tribunal,
- is liable to a fine.
- (4) Subject to the provisions of this paragraph, the Secretary of State may make rules for regulating the procedure on any investigation by the Tribunal.
- (5) In their application to Scotland, sub-paragraphs (2) and (3) above have effect as if for any reference to a summons there were substituted a reference to a notice in writing.

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