
Changes to legislation: There are currently no known outstanding effects for the Finance Act 2001, Paragraph 11. (See end of Document for details)

SCHEDULES

SCHEDULE 8

AGGREGATES LEVY: REPAYMENTS AND CREDITS

Restriction on powers to provide for set-off

- 11 (1) Regulations made under paragraph 9 or 10 above shall not require any such amount or amounts as are mentioned in sub-paragraph (1)(b) of that paragraph (“the credit”) to be set against any such amount or amounts as are mentioned in sub-paragraph (1)(a) of that paragraph (“the debit”) in any case where—
- (a) an insolvency procedure has been applied to the person entitled to the credit;
 - (b) the credit became due after that procedure was so applied; and
 - (c) the liability to pay the debit either arose before that procedure was so applied or (having arisen afterwards) relates to, or to matters occurring in the course of, the carrying on of any business at times before the procedure was so applied.
- (2) For the purposes of this paragraph, an insolvency procedure is applied to a person if—
- (a) a bankruptcy order, winding-up order or administration order is made [^{F1}or an administrator is appointed] in relation to that person or an award of sequestration is made on that person’s estate;
 - (b) that person is put into administrative receivership;
 - (c) that person passes a resolution for voluntary winding up;
 - (d) any voluntary arrangement approved in accordance with—
 - (i) Part 1 or 8 of the Insolvency Act 1986 (c. 45), or
 - (ii) Part II or Chapter II of Part VIII of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)),comes into force in relation to that person;
 - (e) a deed of arrangement registered in accordance with—
 - ^{F2}(i)
 - (ii) Chapter I of Part VIII of that Order,takes effect in relation to that person;
 - (f) ^{F3}
 - (g)
 - (h)
 - (i) that person’s estate becomes vested in any other person as that person’s trustee under a trust deed (within the meaning of the Bankruptcy (Scotland) Act [^{F4}2016]).
- (3) In this paragraph references, in relation to any person, to the application of an insolvency procedure to that person shall not include—

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- (a) the making of a bankruptcy order, winding-up order^{F5}... or award of sequestration [^{F6}or the appointment of an administrator] at a time when any such arrangement or deed as is mentioned in paragraph (d), (e) or (i) of subparagraph (2) above is in force in relation to that person;
- (b) the making of a winding-up order at any of the following times, that is to say—
- [^{F7}(i) immediately upon the appointment of an administrator in respect of the person ceasing to have effect;]
 - (ii) when that person is being wound up voluntarily;
 - (iii) when that person is in administrative receivership;
- or
- (c) the making of an administration order in relation to that person at any time when that person is in administrative receivership.
- (4) For the purposes of this paragraph a person shall be regarded as being in administrative receivership throughout any continuous period for which (disregarding any temporary vacancy in the office of receiver) there is an administrative receiver of that person.
- (5) In this paragraph—
- “administration order” means an administration order under [^{F8}Schedule B1 to] the Insolvency Act 1986 (c. 45) or Article 21 of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)) ;
 - “administrative receiver” means an administrative receiver within the meaning of section 251 of that Act of 1986 or Article 5(1) of that Order of 1989.

Textual Amendments

- F1** Words in Sch. 8 para. 11(2)(a) inserted (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 1(1), **Sch. para. 37(a)** (with art. 6)
- F2** Sch. 8 para. 11(2)(e)(i) omitted (1.10.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 6 para. 2(15)(b)** (with Sch. 6 para. 3); S.I. 2015/1732, art. 2(e)(i)
- F3** Sch. 8 para. 11(2)(f)(g)(h) repealed (*retrospective* to 1.4.2002) by 2002 c. 23, ss. 132(3), 141, Sch. 38 para. 10, **Sch. 40 Pt. 4(3)**
- F4** Word in Sch. 8 para. 11(2)(i) substituted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 24(4)(a)**
- F5** Words in Sch. 8 para. 11(3)(a) omitted (15.9.2003) by virtue of [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 1(1), **Sch. para. 37(b)(i)** (with art. 6)
- F6** Words in Sch. 8 para. 11(3)(a) inserted (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 1(1), **Sch. para. 37(b)(ii)** (with art. 6)
- F7** Sch. 8 para. 11(3)(b)(i) substituted (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 1(1), **Sch. para. 37(c)** (with art. 6)
- F8** Words in Sch. 8 para. 11(5) substituted (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 1(1), **Sch. para. 37(d)** (with art. 6)

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