



# Finance Act 2001

## 2001 CHAPTER 9

### PART 2

#### AGGREGATES LEVY

##### *Other special cases*

#### **37**     **Insolvency etc**

- (1) The Commissioners may by regulations make provision in accordance with the following provisions of this section for the application of this Part in cases in which an insolvency procedure is applied to a person or to a deceased person's estate.
- (2) The provision that may be contained in regulations under this section may include any or all of the following—
  - (a) provision requiring any such person as may be prescribed to give notification to the Commissioners, in the prescribed manner, of the prescribed particulars of any relevant matter;
  - (b) provision requiring a person to be treated, to the prescribed extent, as if, for the purposes of this Part or such of its provisions as may be prescribed, he were the same person as the subject of the procedure; and
  - (c) provision for securing continuity in the application of any of the provisions of this Part where, by virtue of any regulations under this section, any person is treated as if he were the same person as the subject of the procedure.
- (3) In subsection (2) above “relevant matter”, in relation to a case in which an insolvency procedure is applied to any person or estate, means—
  - (a) the application of that procedure to that person or estate;
  - (b) the appointment of any person for the purposes of the application of that procedure;
  - (c) any other matter relating to—
    - (i) the application of that procedure to the subject of the procedure or to his estate;

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*Changes to legislation: There are currently no known outstanding effects for the Finance Act 2001, Section 37. (See end of Document for details)*

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- (ii) the holding of an appointment made for the purposes of that procedure; or
  - (iii) the exercise or discharge of any powers or duties conferred or imposed on any person by virtue of such an appointment.
- (4) Regulations made by virtue of subsection (2)(b) above may include provision for a person to cease, on the occurrence of such an event as may be prescribed, to be treated as if he were the same person as the subject of the procedure.
- (5) Regulations under this section prescribing the manner in which any notification is to be given to the Commissioners may require it to be given in such manner and to contain such particulars as may be specified in a general notice published by the Commissioners in accordance with the regulations.
- (6) Regulations under this section may provide that the extent to which, and the purposes for which, a person is to be treated under the regulations as if he were the same person as the subject of the procedure may be determined by reference to a notice given in accordance with the regulations to the person so treated.
- (7) For the purposes of this section, an insolvency procedure is applied to a person if—
- (a) a bankruptcy order, winding-up order or administration order is made [<sup>F1</sup>or an administrator is appointed] in relation to that person or a partnership of which he is a member;
  - (b) an award of sequestration is made in relation to that person's estate or the estate of a partnership of which he is a member;
  - (c) that person is put into administrative receivership;
  - (d) that person passes a resolution for voluntary winding up;
  - (e) 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 or a partnership of which that person is a member;
  - (f) a deed of arrangement registered in accordance with—
    - <sup>F2</sup>(i) .....  
 (ii) Chapter I of Part VIII of that Order,  
 takes effect in relation to that person;
  - (g) <sup>F3</sup> .....
  - (h) <sup>F3</sup> .....
  - (i) <sup>F3</sup> .....
  - (j) <sup>F3</sup> .....
  - (k) 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 [<sup>F4</sup>2016]).
- (8) For the purposes of this section, an insolvency procedure is applied to a deceased person's estate if—
- (a) after that person's death—
    - (i) a bankruptcy order, or
    - (ii) an order with corresponding effect but a different name,

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is made in relation to that person's estate under any of the provisions of the Insolvency Act 1986 (c. 45) or the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19) ) as they are applied to the administration of the insolvent estates of deceased persons; or

(b) an award of sequestration is made on that person's estate after his death.

(9) In subsection (7) above—

(a) the reference to any administration order is a reference to an administration order under [<sup>F5</sup>Schedule B1 to] the Insolvency Act 1986 or Article 21 of the Insolvency (Northern Ireland) Order 1989;

(b) the reference to a person being put into administrative receivership is a reference to the appointment in relation to him of an administrative receiver, within the meaning of section 251 of that Act of 1986 or Article 5(1) of that Order of 1989; and

(c) references to a member of a partnership include references to any person who is liable as a partner under section 14 of the Partnership Act 1890 (c. 39) (persons liable by “holding out”).

(10) In this section “the subject of the procedure”, in relation to the application of any insolvency procedure, means the person to whom, or to whose estate, the procedure is applied.

#### Textual Amendments

- F1** Words in s. 37(7)(a) inserted (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003](#) (S.I. 2003/2096), art. 1(1), [Sch. para. 36\(a\)](#) (with art. 6)
- F2** S. 37(7)(f)(i) omitted (1.10.2015) by virtue of [Deregulation Act 2015](#) (c. 20), s. 115(7), [Sch. 6 para. 2\(15\)\(a\)](#) (with [Sch. 6 para. 3](#)); S.I. 2015/1732, art. 2(e)(i)
- F3** S. 37(7)(g)-(j) repealed (*retrospective* to 1.4.2002) by [2002 c. 23](#), ss. 132, 141, [Sch. 38 para. 8](#), [Sch. 40 Pt. 4\(3\)](#)
- F4** Word in s. 37(7)(k) 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\(2\)](#)
- F5** Words in s. 37(9)(a) substituted (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003](#) (S.I. 2003/2096), art. 1(1), [Sch. para. 36\(b\)](#) (with art. 6)

#### Modifications etc. (not altering text)

- C1** Ss. 37(7)-(9) applied (1.4.2002) by [S.I. 2002/761](#), [reg. 36\(5\)](#)

**Changes to legislation:**

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