

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.
- 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”.
- 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
 - (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).
- 4 Omit section 291(1) to (3) (bankrupt’s duty to deliver possession of estate to official receiver).
- 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).
- 6 Omit sections 293 to 295 (meeting of creditors to appoint first trustee).
- 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”.
- 8 Omit section 297.
- 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)”.
- 10 Omit paragraph 10 of Schedule 9 (exercise by official receiver of functions under section 287).
- 11 In paragraph 30 of Schedule 9 omit “, of the official receiver while acting as a receiver or manager under section 287”.

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.