



Companies Act 1947

1947 CHAPTER 47 10 and 11 Geo 6

PART VIII

AMENDMENTS ETC. OF ACTS OTHER THAN PRINCIPAL ACT

[^{F1}115 Bankruptcy.

- (1) Subsection (1) of section thirty-three of the ^{M1}Bankruptcy Act 1914 and subsection (1) of section one hundred and eighteen of the ^{M2}Bankruptcy (Scotland) Act 1913 shall have effect subject to the like amendments as are by [^{F2}section ninety-one of this Act] made in relation to the winding up of a company . . . ^{F3}, but with the substitution for references to the company and to the winding up order or resolution of references to the bankrupt and to the receiving order or, in the case of a person dying insolvent, to the deceased and to his death, . . . ^{F3}
- (2) The rights conferred by sections forty and forty-one of the ^{M3}Bankruptcy Act 1914 on the official receiver or trustee in bankruptcy in relation to executions against the goods or other property of the debtor and attachment of debts due to the debtor may be set aside by the court in favour of the creditor to such extent and subject to such terms as the court may think fit.
- (3) In subsection (1) of section forty-four of the ^{M4}Bankruptcy Act 1914 (which relates to fraudulent preferences), for the reference to three months there shall be substituted a reference to six months, and in the Act of the Parliament of Scotland 1696, c. 5 (which relates to similar matters), for any reference to sixty days there shall be substituted a reference to six months.
- (4) [^{F2}Section ninety-two of this Act] shall apply also in relation to the ^{M5}Bankruptcy Act 1914 (with the necessary modification of any reference to a company), as if a reference to the said section forty-four of that Act were substituted in those provisions for the reference to section two hundred and sixty-five of the principal Act.
- (5) [^{F2}Section ninety-nine of this Act] shall apply also in relation to land disclaimed under section fifty-four of the ^{M6}Bankruptcy Act 1914.

*Changes to legislation: There are currently no known outstanding effects
for the Companies Act 1947, Section 115. (See end of Document for details)*

- (6) Subsection (1) of this section shall not apply where the date of the receiving order (or, in relation to the estate of a person dying insolvent, the date of his death) occurred before the coming into force of this section and subsection (3) of this section shall not apply in relation to anything made or done before the coming into force thereof.
- (7) In the application of this section to Scotland, references to the receiving order shall be construed as references to the award of sequestration.]

Textual Amendments

- F1** S. 115 repealed (S.) by Bankruptcy (Scotland) Act 1985 (c. 66, SIF 66), s. 75(2), **Sch. 8** and repealed (E.W.) by Insolvency Act 1985 (c. 65, SIF 66), s. 235, Sch. 10 Pt. III, Insolvency Act 1986 (c. 45, SIF 66), s. 437, Sch. 11 para. 10(2)
- F2** Words substituted by Companies Act 1948 (c. 38), **Sch. 16**, para. 5(2)-(4)
- F3** Words repealed by Companies Act 1948 (c. 38), s. 459, **Sch. 17 Pt. I**
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Marginal Citations

- M1** 1914 c. 59.
M2 1913 c. 20.
M3 1914 c. 59.
M4 1914 c. 59.
M5 1914 c. 59.
M6 1914 c. 59.

Changes to legislation:

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