
STATUTORY INSTRUMENTS

1994 No. 2421

The Insolvent Partnerships Order 1994

PART VI

**PROVISIONS APPLYING IN INSOLVENCY PROCEEDINGS
IN RELATION TO INSOLVENT PARTNERSHIPS**

Winding up of unregistered company which is a member of insolvent partnership being wound up by virtue of this Order

12. Where an insolvent partnership or other body which may be wound up under Part V of the Act as an unregistered company is itself a member of an insolvent partnership being so wound up, articles 8 and 10 above shall apply in relation to the latter insolvent partnership as though the former body were a corporate member of that partnership.

Deposit on petitions

13.—(1) Where an order under section 414(4) or 415(3) of the Act (security for fees) provides for any sum to be deposited on presentation of a winding-up or bankruptcy petition, that sum shall, in the case of petitions presented by virtue of articles 8 and 10 above, only be required to be deposited in respect of the petition for winding up the partnership, but shall be treated as a deposit in respect of all those petitions.

(2) Production of evidence as to the sum deposited on presentation of the petition for winding up the partnership shall suffice for the filing in court of an insolvency petition against an insolvent member.

Supplemental powers of court

14.—(1) At the end of section 168 of the Act there shall be inserted the following subsections:—

“(5A) Where at any time after a winding-up petition has been presented to the court against any person (including an insolvent partnership or other body which may be wound up under Part V of the Act as an unregistered company), whether by virtue of the provisions of the Insolvent Partnerships Order 1994⁽¹⁾ or not, the attention of the court is drawn to the fact that the person in question is a member of an insolvent partnership, the court may make an order as to the future conduct of the insolvency proceedings and any such order may apply any provisions of that Order with any necessary modifications.

(5B) Any order or directions under subsection (5A) may be made or given on the application of the official receiver, any responsible insolvency practitioner, the trustee of the partnership or any other interested person and may include provisions as to the administration of the joint estate of the partnership, and in particular how it and the separate estate of any member are to be administered.

(5C) Where the court makes an order under section 72(1)(a) of the Financial Services Act 1986⁽²⁾ or section 92(1)(a) of the Banking Act 1987⁽³⁾ for the winding up of an insolvent partnership, the court may make an order as to the future conduct of the winding-up proceedings, and any such order may apply any provisions of the Insolvent Partnerships Order 1994 with any necessary modifications.”.

(2) At the end of section 303 of the Act there shall be inserted the following subsections:—

“(2A) Where at any time after a bankruptcy petition has been presented to the court against any person, whether under the provisions of the Insolvent Partnerships Order 1994 or not, the attention of the court is drawn to the fact that the person in question is a member of an insolvent partnership, the court may make an order as to the future conduct of the insolvency proceedings and any such order may apply any provisions of that Order with any necessary modifications.

(2B) Where a bankruptcy petition has been presented against more than one individual in the circumstances mentioned in subsection (2A) above, the court may give such directions for consolidating the proceedings, or any of them, as it thinks just.

(2C) Any order or directions under subsection (2A) or (2B) may be made or given on the application of the official receiver, any responsible insolvency practitioner, the trustee of the partnership or any other interested person and may include provisions as to the administration of the joint estate of the partnership, and in particular how it and the separate estate of any member are to be administered.”.

Meaning of “act as insolvency practitioner”

15.—(1) After section 388(2) of the Act there shall be inserted the following—

“(2A) A person acts as an insolvency practitioner in relation to an insolvent partnership by acting—

- (a) as its liquidator, provisional liquidator or administrator, or
- (b) as trustee of the partnership under article 11 of the Insolvent Partnerships Order 1994, or
- (c) as supervisor of a voluntary arrangement approved in relation to it under Part I of this Act.”.

(2) In section 388(3) the words “to a partnership and” shall be omitted.

(2) 1986 c. 60.
(3) 1987 c. 22.