

SCHEDULE

PART 1

PRIMARY LEGISLATION

THIRD PARTIES (RIGHTS AGAINST INSURERS) ACT 1930

1. The Third Parties (Rights against Insurers) Act 1930⁽¹⁾ shall be amended as follows.
2. In section 1 (rights of third parties against insurers on bankruptcy, etc, of the insured)—
 - (a) in subsection (1)(b) omit “or an administration order”, and
 - (b) after “with respect to the company,” insert “or of the company entering administration,”.
3. In section 2 (duty to give necessary information to third parties), in subsection (1)—
 - (a) omit “or an administration order”, and
 - (b) after “with respect to any company” insert “or of the company entering administration”.

PUBLIC PASSENGER VEHICLES ACT 1981

4. In section 19(3)(a) of the Public Passenger Vehicles Act 1981⁽²⁾ (duty to inform traffic commissioners of relevant convictions etc) for “the making of an administration order under Part II of the Insolvency Act 1986 in relation to” substitute “the entry into administration of”.

ADMINISTRATION OF JUSTICE ACT 1985

5. The Administration of Justice Act 1985⁽³⁾ shall be amended as follows.
6. In Schedule 2 (incorporated practices: supplementary provisions)—
 - (a) in paragraph 30(c) for “making of an administration order under Part II of the Insolvency Act 1985” substitute “appointment of an administrator under Schedule B1 to the Insolvency Act 1986”, and
 - (b) in paragraph 32(1)(c)—
 - (i) omit “, or an administration order under Part II of the Insolvency Act 1985,”, and
 - (ii) at the end add “or a recognised body has entered administration”.
7. In Schedule 6 (bodies recognised under s.32: supplementary provisions), in paragraph 10(1)(c)—
 - (a) omit “, or an administration order under Part II of the Insolvency Act 1985,”, and
 - (b) at the end add “or a recognised body has entered administration”.

INSOLVENCY ACT 1986

8. The Insolvency Act 1986 is amended as follows.
9. In section 62(6) (cessation of appointment of receiver)—
 - (a) for “an administration order” substitute “the company is in administration,”, and
 - (b) omit “is in force”.
10. After section 84(2) (voluntary winding up) insert—

(1) 1930 c. 25.
(2) 1981 c. 14.
(3) 1985 c. 61.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(2A) Before a company passes a resolution for voluntary winding up it must give written notice of the resolution to the holder of any qualifying floating charge to which section 72A applies.

(2B) Where notice is given under subsection (2A) a resolution for voluntary winding up may be passed only—

- (a) after the end of the period of five business days beginning with the day on which the notice was given, or
- (b) if the person to whom the notice was given has consented in writing to the passing of the resolution.”.

11. In section 422 (recognised banks etc.) omit subsection (1A) as inserted by Article 16(4) of the Financial Services and Markets Act 2000 (Consequential Amendments) Order 2002(4).

COMPANY DIRECTORS DISQUALIFICATION ACT 1986

12. In Part II of Schedule 1 to the Company Directors Disqualification Act 1986(5) (matters for determining unfitness of directors) in paragraph 10(a) for “section 22” substitute “paragraph 47 of Schedule B1”.

DEBTORS (SCOTLAND) ACT 1987

13. In section 93 of the Debtors (Scotland) Act 1987(6) (recovery from debtor of expenses of certain diligences)—

- (a) in subsection (4)(c) after “Part II of” insert “, or the appointment of an administrator under paragraph 14 or 22 of Schedule B1 to,” and
- (b) in subsection (5)(b) for “administration order” substitute “administration”.

ROAD TRAFFIC ACT 1988

14. In section 153(2)(c)(i) of the Road Traffic Act 1988(7) (bankruptcy etc of insured or secured persons not to affect claims by third parties)—

- (a) omit “or an administration order”, and
- (b) at the end add “or the company enters administration”.

INCOME AND CORPORATION TAXES ACT 1988

15. The Income and Corporation Taxes Act 1988(8) shall be amended as follows.

16. In section 289A(8A) (form of relief) in paragraph (a) for “the making of the order in question” substitute “the entry into administration or receivership”.

17. In section 293(4B) (qualifying companies) in paragraph (a) for “the making of the order in question” substitute “the entry into administration or receivership”.

18. For paragraph (a) of section 312(2A) (interpretation of Chapter III) substitute—

- “(a) references to a company being “in administration” are to a company being in administration within the meaning of Schedule B1 to the Insolvency Act 1986, or to there being in force in relation to it—
 - (i) an administration order under Part III of the Insolvency (Northern Ireland) Order 1989, or

(4) [S.I.2002/1555](#)

(5) [1986 c. 46.](#)

(6) [1987 c. 18.](#)

(7) [1988 c. 52.](#)

(8) [1988 c. 1.](#)

- (ii) any corresponding order under the law of a country or territory outside the United Kingdom;”.

19. In paragraph 11A of Schedule 28B (venture capital trusts: meaning of “qualifying holdings”) —

- (a) for sub-paragraph (2)(a) substitute—

“(a) a company is “in administration” if it is in administration within the meaning of Schedule B1 to the Insolvency Act 1986, or there is in force in relation to it—

- (i) an administration order under Part III of the Insolvency (Northern Ireland) Order 1989, or
- (ii) any corresponding order under the law of a country or territory outside the United Kingdom;”, and

- (b) in sub-paragraph (3)(a) for “the making of the order in question” substitute “the entry into administration or receivership”.

LEASEHOLD REFORM, HOUSING AND URBAN DEVELOPMENT ACT 1983

20. In section 29(4A) of the Leasehold Reform, Housing and Urban Development Act 1993(9) (deemed withdrawal of initial notice)—

- (a) in paragraph (a) omit “or an administration order”, and
- (b) at the end add “or the RTE company enters administration;”.

NATIONAL LOTTERY ETC ACT 1993

21. In Part I of Schedule 3 to the National Lottery etc Act 1993(10) (revocation of licences: discretionary grounds) in paragraph 3—

- (a) in sub-paragraph (2) omit “for an administration order to be made in respect of the licensee or”, and
- (b) after sub-paragraph (4) insert—

“(5) An administration application has been made or a notice of intention to appoint an administrator or a notice of an appointment of an administrator under paragraph 14 or 22 of Schedule B1 to the Insolvency Act 1986 (c. 45) has been filed.”.

PENSION SCHEMES ACT 1993

22. In section 123 of the Pension Schemes Act 1993(11) (interpretation of Chapter II)—

- (a) in subsection (1)(c)(i)—
 - (i) omit “or an administration order”, and
 - (ii) at the end add “or the company enters administration”, and
- (b) in subsection (2)(c)(i)—
 - (i) omit “or an administration order”, and
 - (ii) at the end add “or the company enters administration”.

FINANCE ACT 1994

23. In section 62(5) of the Finance Act 1994(12) (partnership, bankruptcy, transfer of business etc) for “in relation to which an administration order is in force” substitute “administration”.

(9) 1983 c. 28.

(10) 1993 c. 39.

(11) 1993 c. 48.

(12) 1994 c. 9.

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VALUE ADDED TAX ACT 1994

24. The Value Added Tax Act 1994⁽¹³⁾ shall be amended as follows.

25. In section 46(5) (business carried on in divisions or by unincorporated bodies, personal representatives etc) for “to an administration order being in force in relation to it” substitute “administration”.

26. In section 81 (interest given by way of credit and set-off of credits)—

(a) in subsection (4B) for paragraph (a) substitute—

“(a) when a bankruptcy order or winding-up order or award of sequestration is made or an administrator is appointed in relation to that person;”, and

(b) in subsection (4C)—

(i) in paragraph (a) omit “, administration order”,

(ii) in paragraph (a) after “sequestration” insert “or the appointment of an administrator”, and

(iii) for paragraph (b)(i) substitute—

“(i) immediately upon the appointment of an administrator in respect of the person ceasing to have effect;”.

FINANCE ACT 1996

27. The Finance Act 1996⁽¹⁴⁾ shall be amended as follows.

28. In section 58(4) (partnership, bankruptcy, transfer of business, etc) for “in relation to which an administration order is in force” substitute “administration”.

29. In paragraph 6A of Schedule 9 (loan relationships: special computational provisions)—

(a) in sub-paragraph (1)(b)—

(i) at the beginning insert “that company has entered administration or”, and

(ii) omit “Part 2 of the Insolvency Act 1986 or”, and

(b) in sub-paragraph (2)(b) after “at a time when” insert “the company is in administration or”.

HOUSING GRANTS, CONSTRUCTION AND REGENERATION ACT 1996

30. In section 113(2) of the Housing Grants, Construction and Regeneration Act 1996⁽¹⁵⁾ (prohibition of conditional payment provisions) for paragraph (a) substitute—

“(a) when it enters administration within the meaning of Schedule B1 to the Insolvency Act 1986,”.

FINANCE ACT 2000

31. The Finance Act 2000⁽¹⁶⁾ shall be amended as follows.

32. In Part VI of Schedule 6 (climate change levy: credits and repayments) in paragraph 75—

(a) in sub-paragraph (2)(a) after “administration order is made” insert “or an administrator is appointed”,

(b) in sub-paragraph (3)(a)—

(i) omit “, administration order”, and

⁽¹³⁾ 1994 c. 23.

⁽¹⁴⁾ 1996 c. 8.

⁽¹⁵⁾ 1996 c. 53.

⁽¹⁶⁾ 2000 c. 17.

- (ii) after “sequestration” insert “or the appointment of an administrator”,
 - (c) for sub-paragraph (3)(b)(i) substitute—
 - “(i) immediately upon the appointment of an administrator in respect of the person ceasing to have effect;”, and
 - (d) in sub-paragraph (5) in the definition of “administration order” for “section 8 of” substitute “Schedule B1 to”.
- 33.** In Part X of Schedule 6 in paragraph 120 (climate change levy: special cases)—
- (a) in sub-paragraph (7)(a) after “is made” insert “or an administrator is appointed”, and
 - (b) in sub-paragraph (9) for “section 8 of” substitute “Schedule B1 to”.
- 34.** In Schedule 15 (the corporate venturing scheme)—
- (a) for paragraph 21(4)(a)(i) substitute—
 - “(i) the entry into administration or receivership, and”,
 - (b) for paragraph 24(2)(a) substitute—
 - “(a) the entry into administration or receivership, and”,
 - (c) in paragraph 40(6)(b) for “the making of the order within paragraph (a) or, as the case may be, (b) of paragraph 102(4) (administration orders and orders for appointment of receiver etc)” substitute “the entry into administration or receivership”, and
 - (d) for paragraph 102(4)(a) substitute—
 - “(a) references to a company being “in administration” are to the company being in administration within the meaning of Schedule B1 to the Insolvency Act 1986, or to there being in force in relation to it—
 - (i) an administration order under Part III of the Insolvency (Northern Ireland) Order 1989, or
 - (ii) any corresponding order under the law of a country or territory outside the United Kingdom;”,

FINANCE ACT 2001

- 35.** The Finance Act 2001(17) shall be amended as follows.
- 36.** In section 37 (insolvency etc)—
- (a) in subsection (7)(a) after “is made” insert “or an administrator is appointed”, and
 - (b) in subsection (9)(a) for “section 8 of” substitute “Schedule B1 to”.
- 37.** In paragraph 11 of Schedule 8 (aggregates levy: repayments and credits)—
- (a) in sub-paragraph (2)(a) after “is made” insert “or an administrator is appointed”,
 - (b) in sub-paragraph (3)(a)—
 - (i) omit “, administration order”, and
 - (ii) after “sequestration” insert “or the appointment of an administrator”,
 - (c) for sub-paragraph (3)(b)(i) substitute—
 - “(i) immediately upon the appointment of an administrator in respect of the person ceasing to have effect;”, and
 - (d) in sub-paragraph (5) in the definition of “administration order” for “section 8 of” substitute “Schedule B1 to”.

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COMMONHOLD AND LEASEHOLD REFORM ACT 2002

38. The Commonhold and Leasehold Reform Act 2002(18) shall be amended as follows.

39. In section 87(4)(a) (deemed withdrawal)—

- (a) omit “or an administration order”, and
- (b) at the end add “or the RTM company enters administration,”.

40. In section 105(3)(a) (cessation of management)—

- (a) omit “or an administration order”, and
- (b) at the end add “or the RTM company enters administration,”.

(18) 2002 c. 15.