

SCHEDULE 1

Modification of enactments

PART 2

Secondary Legislation

Insolvency (Scotland) Rules 1986

- 36.**—(1) The Insolvency (Scotland) Rules 1986(1) are amended as follows.
- (2) In rule 0.2(1) (interpretation), omit the definition of “the Bankruptcy Act”.
- (3) For rule 4.76 (limitation) substitute—

“Limitation

4.76.—(1) The provisions in paragraph (2) apply in relation to the liquidation as they apply in relation to a sequestration subject to the substitution of “petition for winding up” for references to “petition for sequestration” and to any other necessary modifications.

- (2) The provisions are—
- (a) sections 13(5) and 46(8), as read with section 228(8) to (10), of the Bankruptcy (Scotland) Act 2016;
- (b) article 6(1)(a) and (b), (2) and (3) of the Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016.”.

Insolvency (Northern Ireland) Order 1989

- 37.**—(1) The Insolvency (Northern Ireland) Order 1989(2) is amended as follows.
- (2) In Article 4(5)(a) (definition of “associate”), for “1985” substitute “2016”.
- (3) In Article 349(5)(a) (persons not qualified to act as insolvency practitioners), after “1985” insert “or 2016”.

Company Directors Disqualification (Northern Ireland) Order 2002

38. In Article 15(1A)(b)(ii) of the Company Directors Disqualification (Northern Ireland) Order 2002(3) (undischarged bankrupts), after “1985” insert “or 2016”.

Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005

- 39.**—(1) The Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005(4) is amended as follows.
- (2) In article 3(4) (insolvency practitioners)—
- (a) omit “the 1985 Act.”; and

(1) S.I. 1986/1915, amended by S.I. 1987/1921, S.I. 1999/1820, S.I. 2002/2709, S.I. 2003/2108, S.I. 2003/2109, S.I. 2003/2111, S.I. 2006/734, S.I. 2007/2537, S.I. 2008/662, S.I. 2009/662, S.I. 2010/688 and S.I. 2012/2404, S.S.I. 2008/393 and S.S.I. 2014/114.

(2) S.I. 1989/2405; Article 349(5)(a) was substituted by the Small Business, Enterprise and Employment Act 2015 (c.26) (“the 2015 Act”), section 116(3).

(3) S.I. 2002/3150; Article 15(1A) was inserted by the 2015 Act, section 114.

(4) S.I. 2005/3181, amended by S.I. 2013/2604.

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- (b) after “1986 Act,” insert “the 2016 Act.”
- (3) In article 4 (insolvency practitioners: interpretation)—
 - (a) omit paragraph (6)(c);
 - (b) insert after paragraph (6)(d)—
 - “(da) the 2016 Act is the Bankruptcy (Scotland) Act 2016;”;
 - (c) in paragraph (7), for “12(4) of the 1985” substitute “22(7) of the 2016”.
- (4) In article 141P (giving effect in England and Wales and Northern Ireland to External Requests by means of Civil Proceedings: insolvency)(5)—
 - (a) in paragraph (2)(c)—
 - (i) omit “section 2 of the 1985 Act;”;
 - (ii) after “1986 Act,” insert “, section 54 of the 2016 Act;”;
 - (b) in paragraph (2)(f), for “1985” substitute “2016”.
- (5) In article 141Q (giving effect in England and Wales and Northern Ireland to External Requests by means of Civil Proceedings: insolvency interpretation)(6)—
 - (a) omit paragraph (2);
 - (b) insert after paragraph (3)—
 - “(3A) The 2016 Act means the Bankruptcy (Scotland) Act 2016.”.
- (6) In article 141ZL (giving effect in Scotland to External Requests by means of Civil Proceedings: insolvency)(7)—
 - (a) in paragraph (2)(c)—
 - (i) omit “section 2 of the 1985 Act;”;
 - (ii) after “1986 Act,” insert “, section 54 of the 2016 Act;”;
 - (b) in paragraph (2)(f), for “1985” substitute “2016”.
- (7) In article 141ZM (giving effect in Scotland to External Requests by means of Civil Proceedings: insolvency interpretation)(8)—
 - (a) omit paragraph (2);
 - (b) insert after paragraph (3)—
 - “(3A) The 2016 Act means the Bankruptcy (Scotland) Act 2016.”.
- (8) In article 208 (insolvency)—
 - (a) in paragraph (2)(c)—
 - (i) omit “section 2 of the 1985 Act;”;
 - (ii) after “1986 Act” insert “, section 54 of the 2016 Act”;
 - (b) in paragraph (2)(f), for “1985” substitute “2016”;
 - (c) in paragraph (6)—
 - (i) omit sub-paragraph (a);
 - (ii) insert after paragraph (b)—
 - “(ba) the 2016 Act means the Bankruptcy (Scotland) Act 2016;”;
 - (d) in paragraph (7)(a) for “1985” it each place where it occurs substitute “2016”.

(5) Article 141P was inserted by article 3 of [S.I. 2013/2604](#).

(6) Article 141Q was inserted by article 3 of [S.I. 2013/2604](#).

(7) Article 141ZL was inserted by article 3 of [S.I. 2013/2604](#).

(8) Article 141ZM was inserted by article 3 of [S.I. 2013/2604](#).

Document Generated: 2023-08-26

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