

## SCHEDULES

### SCHEDULE 3

Regulation 2

#### ADMINISTRATION OF INSOLVENT ESTATES OF DECEASED PERSONS, ENGLAND AND WALES

##### **The Administration of Insolvent Estates of Deceased Persons Order 1986**

1.—(1) The Administration of Insolvent Estates of Deceased Persons Order 1986<sup>(1)</sup> is amended as follows.

(2) In article 2, in the definition of “the Rules”, for “The Insolvency Rules 1986” substitute “The Insolvency (England and Wales) Rules 2016”.

(3) (a) Schedule 1 is amended as follows.

(b) In paragraph 1<sup>(2)</sup> of Part 2, after sub-paragraph (b) insert

“(ba) after subsection (1)(a) there shall be added—

“(aa) by the personal representative of the deceased debtor”.

(c) After paragraph 1 of Part 2, insert—

“**1A.** Section 265 with the modification that after subsection (4) there shall be inserted—

(5) A petition by the personal representative of a deceased debtor for an insolvency administration order in Form 6 set out in Schedule 3 to the Administration of Insolvent Estates of Deceased Persons Order 1986 may be presented to the court only on the grounds that the estate of a deceased debtor is insolvent.

(6) A petition under subsection (5) must be accompanied by a statement of the deceased debtor’s affairs containing—

(a) such particulars of the debtor’s creditors and of his debts and other liabilities and of his assets as may be prescribed; and

(b) such other information as is required by Form 7 set out in Schedule 3 to the Administration of Insolvent Estates of Deceased Persons Order 1986.”

(d) In paragraph 5 of Part 2, in the substitute version of section 271, after subsection (5) insert

“(6) The court must make an insolvency administration order in Form 4 set out in Schedule 3 to the Administration of Insolvent Estates of Deceased Persons Order 1986 on the hearing of a petition presented under section 265(5) if it is satisfied that the deceased debtor’s estate is insolvent.”

(e) Omit paragraph 6<sup>(3)</sup> of Part 2.

(f) Omit paragraph 7 of Part 2.

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<sup>(1)</sup> S.I. 1986/1999; relevant amending instruments are S.I. 2016/481 and 2017/540.

<sup>(2)</sup> As amended by S.I. 2016/481 and 2017/540.

<sup>(3)</sup> As amended by paragraph 2(7)(b) of Part 1 of Schedule 2 to S.I. 2016/481.

**The Deregulation Act 2015 and Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) (Savings) Regulations 2017**

2.—(1) The Deregulation Act 2015 and Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) (Savings) Regulations 2017(4) is amended as follows.

(2) Omit paragraph 1(2) of Schedule 2.

**Transitional and savings provisions**

3.—(1) This Schedule does not apply in relation to any case in which a bankruptcy order was made in relation to an insolvent estate before this Schedule came into force, and where this Schedule does not apply the law in force immediately before this Schedule came into force continues to have effect.

(2) Where bankruptcy proceedings, commenced under the provisions of the law in force immediately before this Schedule came into force, were pending in relation to an insolvent estate immediately before this Schedule came into force, either—

- (a) those proceedings shall be continued, after the coming into force of this Schedule, in accordance with the provisions of this Schedule; or
- (b) if the court so directs, they shall be continued under the provisions of the law in force immediately before this Schedule came into force.

(3) For the purpose of sub-paragraph (2) above, winding-up or bankruptcy proceedings are pending if a statutory demand has been served or a bankruptcy petition has been presented.

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(4) S.I. 2017/540.