

SCHEDULES

SCHEDULE 3

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⁽¹⁾ 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”.

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

(b) In paragraph 1⁽²⁾ 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⁽³⁾ of Part 2.

(f) Omit paragraph 7 of Part 2.

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

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

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

Status: *This is the original version (as it was originally made).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