

SCHEDULES

SCHEDULE 4

DURATION OF BANKRUPTCY: TRANSITIONAL PROVISIONS

Second-time bankruptcy

5.—(1) This paragraph applies to a pre-commencement bankrupt who was an undischarged bankrupt at some time during the period of 15 years ending with the day before the date on which the pre-commencement bankruptcy commenced.

(2) The pre-commencement bankrupt shall not be discharged from bankruptcy in accordance with paragraph 4.

(3) An order made before commencement under paragraph (2)(b) or (c) of Article 254 of the 1989 Order (discharge by order of the High Court), shall continue to have effect after commencement (including any provision made by the Court by virtue of paragraph (3) of that Article).

(4) A pre-commencement bankrupt to whom this paragraph applies (and in respect of whom no order was in force under Article 254(2)(b) or (c) of the 1989 Order immediately before commencement) is discharged from bankruptcy—

(a) at the end of the period of 5 years beginning with commencement, or

(b) at such earlier time as the High Court may order on an application made to it under sub-paragraph (5).

(5) For the purposes of sub-paragraph (4)(b), the pre-commencement bankrupt may make an application to the Court at any time after the expiration of 5 years from the commencement of the bankruptcy.

(6) Article 253(3) to (5) of the 1989 Order as substituted by Article 12 of this Order shall have effect after commencement in relation to the period mentioned in sub-paragraph (4)(a).

(7) A bankruptcy annulled under Article 256 of the 1989 Order shall be ignored for the purpose of sub-paragraph (1).