

SCHEDULES

SCHEDULE 1

DISCHARGE CONSENTS

Transfer of consents

8.—(1) A discharge consent given under paragraph 2 or 4 may be transferred by the holder to a person who proposes to carry on the discharges in place of the holder.

(2) On the death of the holder of a discharge consent given under paragraph 2 or 4, the consent shall, subject to sub-paragraph (4), be regarded as property forming part of the deceased's personal estate, whether or not it would be so regarded apart from this sub-paragraph, and shall accordingly vest in his personal representatives.

(3) If a bankruptcy order is made against the holder of a discharge consent given under paragraph 2 or 4, the consent shall, subject to sub-paragraph (4), be regarded for the purposes of any of Parts VIII to X of the Insolvency (Northern Ireland) Order 1989 (insolvency of individuals; bankruptcy) as property forming part of the bankrupt's estate, whether or not it would be so regarded apart from this sub-paragraph, and shall accordingly vest as such in the trustee in bankruptcy.

(4) Notwithstanding anything in the foregoing provisions of this paragraph, a discharge consent given under paragraph 2 or 4 (and the obligations arising out of, or incidental to, such a consent) shall not be capable of being disclaimed.

(5) A discharge consent given under paragraph 2 or 4 which is transferred to, or which vests in, a person under this paragraph shall have effect on and after the date of the transfer or vesting as if it had been granted to that person under paragraph 2 or 4, subject to the same conditions as were attached to it immediately before that date.

(6) Where a discharge consent given under paragraph 2 or 4 is transferred under sub-paragraph (1), the person from whom it is transferred shall give notice of that fact to the Department not later than the end of the period of 21 days beginning with the date of the transfer.

(7) Where a discharge consent given under paragraph 2 or 4 vests in any person as mentioned in sub-paragraph (2) or (3), that person shall give notice of that fact to the Department not later than the end of the period of 15 months beginning with the date of the vesting.

(8) If—

(a) a discharge consent given under paragraph 2 or 4 vests in any person as mentioned in sub-paragraph (2) or (3), but

(b) that person fails to give the notice required by sub-paragraph (7) within the period there mentioned,

the consent, to the extent that it permits the making of any discharges, shall cease to have effect.

(9) A person who fails to give a notice which he is required by sub-paragraph (6) or (7) to give shall be guilty of an offence and liable—

(a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years, or to both;

(b) on summary conviction, to a fine not exceeding the statutory maximum.