

SCHEDULE

PART 2

Amendments to the Insolvency Act 1986

16. The Insolvency Act 1986(1) is amended as follows.
17. In section 1 in subsection (4)(2)—
 - (a) in paragraph (b) omit “other than the United Kingdom”; and
 - (b) in paragraph (c) for “other than Denmark” substitute “(other than Denmark) or in the United Kingdom”.
18. In section 106 omit subsections (4A) and (4B)(3).
19. In section 117 omit subsection (7)(4).
20. In section 120 omit subsection (6).
21. In section 124 in subsection (1) omit the words from “or by a member State liquidator” to “Article 52 of the EU Regulation”(5).
22. In section 146 omit subsections (6) and (7)(6).
23. Omit section 146A(7).
- 24.—(1) Section 201 is amended as follows(8).
 - (2) In subsection (2) omit—
 - (a) “and any statement under section 106(4B),”; and
 - (b) “(except where subsection (2A) applies)”.
 - (3) Omit subsections (2A) and (2B).
- 25.—(1) Section 202 is amended as follows(9).
 - (2) Omit subsections (2A) and (2B).
 - (3) In subsection (4) omit “and send any statement under subsection (2B)”.
 - (4) In subsection (5)—
 - (a) omit “and any statement under subsection (2B)”;
 - (b) after “shall forthwith register it” omit “or them”; and
 - (c) omit “(except where subsection (6) applies)”.

(1) 1986 c.45. Relevant amendments have been made by the Small Business, Enterprise and Employment Act 2015 (c.26); and S.I. 2017/702.

(2) Subsection (4) has been amended by S.I.s 2002/1240, 2005/879 and 2009/1941.

(3) New section 106 substituted by the Small Business, Enterprise and Employment Act 2015. The amendment has not been commenced for Scotland. Section 106 as in force in England and Wales was amended by S.I. 2017/702 which inserted subsections (4A) and (4B).

(4) Subsection (7) was inserted by S.I. 2002/1240 and was amended by S.I. 2017/702.

(5) Subsection (1) has been amended by S.I.s 2002/1240 and 2017/702.

(6) New section 146 substituted by the Small Business, Enterprise and Employment Act 2015. The amendment has not been commenced for Scotland. Section 146 as in force in England and Wales was amended by S.I. 2017/702 which inserted subsections (6) and (7).

(7) Section 146A was inserted by S.I. 2017/702.

(8) Section 201 was amended by the Small Business, Enterprise and Employment Act 2015. The amendment has not been commenced for Scotland. Relevant amendments to the section as in force in England and Wales are made by S.I. 2017/702.

(9) Section 202 was amended by S.I. 2017/702.

- (5) Omit subsections (6) and (7).
- (6) In subsection (8) omit “or (7)”.
- 26.**—(1) Section 205 is amended as follows**(10)**.
- (2) In subsection (2) omit “and any statement under section 146(7) or 146A(2)”.
- (3) Omit subsections (2A) and (2B).
- 27.** In section 225 omit subsection (2).
- 28.** In section 240 in subsection (3)(d) omit the words from “either following” to “Article 51 of the EU Regulation or”.
- 29.** In section 247**(11)** in subsection (3) omit paragraph (b) and the “, or” preceding it.
- 30.** In section 251 omit the definitions of “EU insolvency proceedings” and “member State liquidator”**(12)**.
- 31.**—(1) Section 263I is amended as follows.
- (2) In subsection (1)—
- (a) after paragraph (a) insert—
- “(ab) the centre of the debtor’s main interests is in a member State (other than Denmark) and the debtor has an establishment in England and Wales, or”; and
- (b) in paragraph (b) omit the words from the beginning of the paragraph to “the EU Regulation, but”.
- (3) After subsection (4) insert—
- “(5) In this section “establishment” has the same meaning as in Article 2(10) of the EU Regulation.”.
- 32.** In section 264 in subsection (1) omit paragraphs (ba) and (bb)**(13)**.
- 33.**—(1) Section 265 is amended as follows.
- (2) In subsection (1)—
- (a) after paragraph (a) insert—
- “(ab) the centre of the debtor’s main interests is in a member State (other than Denmark) and the debtor has an establishment in England and Wales, or”; and
- (b) in paragraph (b) omit the words from the beginning of the paragraph to “the EU Regulation, but”.
- (3) After subsection (4) insert—
- “(5) In this section “establishment” has the same meaning as in Article 2(10) of the EU Regulation.”.
- 34.** In section 330**(14)** omit subsection (6).
- 35.** In section 387**(15)** in subsection (3)—

(10) Section 205 has been amended by the Small Business, Enterprise and Employment Act 2015. The amendment has not been commenced for Scotland. Relevant amendments to the section as in force in England and Wales are made by [S.I. 2017/702](#).

(11) Section 247(3)(b) was amended by [S.I. 2017/702](#).

(12) These definitions were inserted by [S.I. 2017/702](#).

(13) Paragraphs (ba) and (bb) were inserted by [S.I. 2002/1240](#).

(14) Subsection (6) was inserted by [S.I. 2002/1240](#) and amended by [S.I. 2017/702](#).

(15) In subsection (3) paragraphs (aa) and (ab) were inserted by [S.I. 2002/1240](#) and amended by [S.I. 2017/702](#).

- (a) omit paragraphs (aa) and (ab);
- (b) in paragraph (b) omit “, (aa) or (ab)”;
- (c) in paragraph (ba) omit “, (aa), (ab)”;
- (d) in paragraph (c) omit “, (aa), (ab)”.

36. In section 388(**16**) omit subsection (6).

37. In section 411 in subsection (2B) for the words from “an offence” to the end of the sentence substitute “a new relevant offence”.

38. In section 412 in subsection (2B) for the words from “an offence” to the end of the sentence substitute “a new relevant offence”.

39. In section 420 in subsection (1B) for the words from “an offence” to the end of the sentence substitute “a new relevant offence”.

40. In section 421 in subsection (1B) for the words from “an offence” to the end of the sentence substitute “a new relevant offence”.

41. After section 422 insert—

“422A. Meaning of “relevant offence”

In this Part “relevant offence” means a criminal offence punishable with imprisonment for more than two years or punishable on summary conviction with imprisonment for more than three months or with a fine of more than level 5 on the standard scale (if not calculated on a daily basis) or with a fine of more than £100 a day.”

42. In section 436 in the definition of “the EU Regulation” at the end insert “as it forms part of domestic law on and after exit day”.

43. Omit section 436A(**17**).

44. In Schedule B1(**18**)—

(a) in paragraph 84(**19**)—

- (i) omit sub-paragraphs (1A) and (1B);
- (ii) in sub-paragraph (3) omit “and any statement under sub-paragraph (1B)” and at the end omit “or them”;
- (iii) in sub-paragraph (6) omit “(except where sub-paragraph (6A) applies)”;
- (iv) omit sub-paragraphs (6A) and (6B); and
- (v) in sub-paragraph (7)(a) and (c) omit “or (6B)”;

(b) in paragraph 111(**20**)—

- (i) in sub-paragraph (1A)(b) omit “other than the United Kingdom”; and
- (ii) in sub-paragraph (1A)(c) for “other than Denmark” substitute “(other than Denmark) or in the United Kingdom”.

(16) Subsection (6) was inserted by [S.I. 2002/1240](#) and amended by [S.I. 2017/702](#).

(17) Section 436A was inserted by [S.I. 2002/1240](#).

(18) Schedule B1 was inserted by section 248 of the Enterprise Act 2002 (c. 40).

(19) Paragraph 84 was amended by [S.I. 2017/702](#).

(20) In paragraph 111 sub-paragraph (1A) was inserted by [S.I. 2005/879](#).