

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985, SCHEDULE 6. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 6

Section 109.

#### AMENDMENTS OF 1985 ACT

##### *Disqualification etc.*

1, 2. .... F1

##### Textual Amendments

**F1** Sch. 2, Sch. 6 paras. 1, 2, 14, Sch. 9 paras. 2, 3 repealed by [Company Directors Disqualification Act 1986](#) (c. 46, SIF 27), s. 23(2), **Sch. 4**

3 In section 441(1) (inspector’s report to be evidence of opinion of inspectors), at the end there shall be inserted the words “ and, in proceedings on an application under section 13 of the Insolvency Act 1985, as evidence of any fact stated therein ”.

4 In section 449(1) (non-disclosure, except for certain purposes, of information obtained by Secretary of State), after paragraph (b) there shall be inserted the following paragraph—

“(ba) with a view to the institution of, or otherwise for the purposes of, any proceedings on an application under section 12 or 13 of the Insolvency Act 1985.”.

5, 6. .... F2

##### Textual Amendments

**F2** Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by [Insolvency Act 1986](#) (c. 45, SIF 66), s. 438, **Sch. 12**

7 ..... F3

##### Textual Amendments

**F3** Sch. 6 para. 7 repealed by [Company Directors Disqualification Act 1986](#) (c. 46, SIF 27), s. 23(2), **Sch. 4** and also expressed to be repealed in part (subject to the transitional and saving provisions mentioned in S.I. 1990/355, **art. 5**) by [Companies Act 1989](#) (c. 40, SIF 27), ss. 212, 213(2), **Sch. 24**

##### *Voluntary arrangements*

8 In section 153(3) (financial assistance allowed), for the words “section 601 (winding up imminent or in progress)” there shall be substituted the words “ Chapter II of Part II of the Insolvency Act 1985 ”.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985, SCHEDULE 6. (See end of Document for details)*

### *Administration orders*

9 ..... F4

#### **Textual Amendments**

**F4** Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by *Insolvency Act 1986* (c. 45, SIF 66), s. 438, **Sch. 12**

10 In sections 395(1) and 410(2) (certain charges void if not registered), after the word “liquidator” there shall be inserted the words “ or administrator ”.

11 In section 425(1) (power of company to compromise with creditors and members), for the words “, of the liquidator” there shall be substituted the words “ or an administration order being in force in relation to a company, of the liquidator or administrator ”.

12 In section 426(6) liability of officer or liquidator of company for default in connection with the circulation of information as to a compromise), after the word “liquidator” there shall be inserted the words “ or administrator ”.

13 In section 478(6) (receiver to be appointed within one month of cessation of appointment of earlier receiver), at the end there shall be inserted the words—

“and for the purposes of calculating the period of one month under this subsection no account shall be taken of any period during which an administration order under Part II of the *Insolvency Act 1985* is in force”.

14 ..... F5

#### **Textual Amendments**

**F5** Sch. 2, Sch. 6 paras. 1, 2, 14, Sch. 9 paras. 2, 3 repealed by *Company Directors Disqualification Act 1986* (c. 46, SIF 27), s. 23(2), **Sch. 4**

15—17. .... F6

#### **Textual Amendments**

**F6** Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by *Insolvency Act 1986* (c. 45, SIF 66), s. 438, **Sch. 12**

### *Receivers (Scotland)*

18 In subsection (3) of section 463 (effect of floating charge on winding up), for the words “section 614(2)” there shall be substituted the words “ section 89 of the *Insolvency Act 1985* ”.

19 In subsection (6) of section 464 (ranking of floating charges), for the words “section 614(2) (preferential debts in winding up)” there shall be substituted the words “ section 89 of the *Insolvency Act 1985* ”.

20—22. .... F7

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985, SCHEDULE 6. (See end of Document for details)*

**Textual Amendments**

**F7** Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

*Winding up*

23 ..... **F8**

**Textual Amendments**

**F8** Sch. 6 paras. 23, 45 repealed by Companies Act 1989 (c. 40, SIF 27), **ss. 212, 213(2)** Sch. 24

24 For subsection (6) of section 461 (application of winding-up rules to petition under Part XVI) there shall be substituted the following subsection—

“(6) The power under section 106 of the Insolvency Act 1985 to make rules shall, so far as it relates to a winding-up petition, apply for the purposes of a petition under this Part.”

25—44. .... **F9**

**Textual Amendments**

**F9** Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

45 ..... **F10**

**Textual Amendments**

**F10** Sch. 6 paras. 23, 45 repealed by Companies Act 1989 (c. 40, SIF 27), **ss. 212, 213(2)** Sch. 24

46 For subsection (2) of section 657 (effect of Crown disclaimer) there shall be substituted the following subsection—

“(2) As regards property in England and Wales, subsections (3) and (5) to (7) of section 91 of the Insolvency Act 1985 and section 92 of that Act shall apply as if the property had been disclaimed by the liquidator under the said section 91 immediately before the dissolution of the company.”

47 For subsection (1) of section 658 (application of section 620) there shall be substituted the following subsection—

“(1) Subsection (7) of section 91 of the Insolvency Act 1985 shall apply to land in England and Wales which by operation of law vests subject to a rentcharge in the Crown or any other person on the dissolution of a company as it applies to land so vesting on a disclaimer under that section.”

48—52. .... **F11**

---

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Insolvency Act 1985, SCHEDULE 6. (See end of Document for details)*

---

.....

### **Textual Amendments**

**F11** Sch. 1 paras. 1–4, 5(4), Schs. 3–5, Sch. 6 paras. 5, 6, 9, 15–17, 20–22, 25–44, 48–52, Sch. 7, Sch. 9 paras. 1, 4–24, Sch. 10 repealed by Insolvency Act 1986 (c. 45, SIF 66), s. 438, **Sch. 12**

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Insolvency Act 1985, SCHEDULE 6.